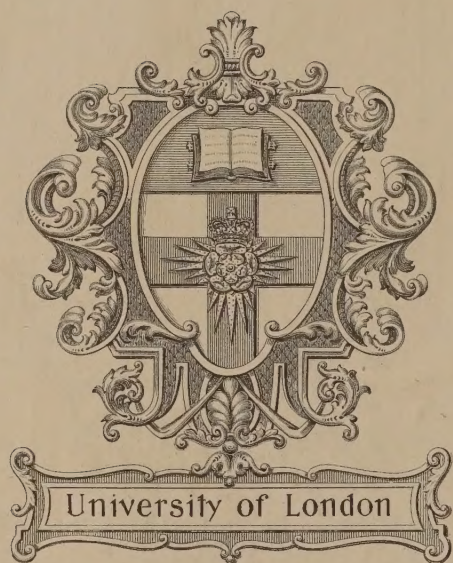






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B I L L S,

PUBLIC:

FIVE VOLUMES.

— (3.) —

IMPRISONMENT FOR DEBT

TO

MERCHANT SHIPPING.

Session

10 *December* 1868 — 11 *August* 1869.

VOL. III.

1868-9.



B I L L S :

1868-9.

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-

A
B I L L

FOR

The Abolition of Imprisonment for Debt, for the punishment
of fraudulent debtors ; and for other purposes.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : A.D. 1869.

5 PRELIMINARY.

1. This Act may be cited for all purposes as "The Debtors Act, 1869." Short title
of Act.
2. This Act shall not extend to Scotland or Ireland. Extent of
Act.
3. This Act shall not come into operation until the *first day* Commence-
ment of Act.
- 10 of *January one thousand eight hundred and seventy*, which day is herein-after referred to as the commencement of this Act.
4. Words and expressions defined or explained in The Bankruptcy Act, 1869, shall have the same meaning in this Act. Construction
of Act.

PART I.

15 ABOLITION OF IMPRISONMENT FOR DEBT.

5. With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money. Abolition of
imprison-
ment for
debt.

There shall be excepted from the operation of this Act :

- 20 1. Default in payment of a penalty, or sum in the nature of a penalty ;
2. Default in payment of any sum recoverable summarily ;
3. Default by a trustee or person acting in a fiduciary capacity in payment of any sum in his possession or under his control.
- 25 4. Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order ;

[Bill 61.]

A

A.D. 1869.

5. Default in payment for the benefit of creditors of a salary or other like sum accruing periodically in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order ;

6. Default in payment of sums in respect of the payment of which 5 orders are in this Act authorized to be made in the county courts and other inferior courts.

Saving of
power of
committal
for small
debts.

6. A judge or his deputy authorized to issue a warrant of committal under The County Courts Act, 1846, and the Acts amending the same, in respect of a person making default in payment of a 10 sum not exceeding fifty pounds, or under the Act "for the better securing the payment of small debts," passed in the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-seven, in respect of a person making default in payment of a sum not exceeding twenty pounds, may 15 respectively continue to exercise the powers given by the said Acts in the following cases, or any of them :

First, where the person making default is defendant to an action in which judgment has been obtained against him, and it appears to the satisfaction of such judge or deputy that 20 in incurring the debt or liability which is the subject of the action the defendant obtained credit from the plaintiff under false pretences or by means of fraud or breach of trust, or wilfully contracted the debt or liability without having had at the time a reasonable expectation of being able to discharge 25 the same, or has, with intent to defraud his creditors or any of them, made or caused to be made any gift, delivery, or transfer of, or any charge on his property, or has with such intent concealed or removed any of his property ; or

Secondly, where it appears to the satisfaction of such judge or 30 deputy that the person making default, whether a plaintiff or defendant to an action, has had since the date of the order or judgment being obtained against him, or has the means to pay the debt, damages, or costs required to be paid by him in pursuance of such order or judgment, whether by instalments 35 or otherwise, and has refused or neglected or refuses or neglects to pay the same ;

but no warrant of committal shall be valid under the said powers, or any of them, unless the warrant is drawn up by such judge or his deputy in open court and shows on its face the grounds on which 40 it is issued ; and the aggregate term of imprisonment to which any person may be subjected in pursuance of the said powers, or any of

them, in respect of a default in the payment or discharge, whether by instalments or otherwise, of any one debt or liability, shall not exceed *three months*. A.D. 1869.

7. Where the defendant to an action or suit cannot by reason of this Act be arrested or imprisoned, if the plaintiff in such action or suit proves by evidence on oath, to the satisfaction of a judge of one of Her Majesty's superior courts of law or equity, that the plaintiff has good cause of action or suit against the defendant to the amount of *fifty pounds* or upwards, and that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action or suit, and that there is probable cause for believing that the defendant is about to quit England unless he be apprehended, the judge of such court may in the prescribed manner order such defendant to be arrested and imprisoned unless and until he has given the prescribed security (not exceeding the amount sought to be recovered in the action or suit) that he will not go out of England without the leave of the court.

Power under certain circumstances to arrest defendant about to quit England.

- "Prescribed" shall mean in this section, in the case of a common law court, prescribed by general rules made in pursuance of "The Common Law Procedure Act, 1852," and in the case of a court of equity prescribed by general orders made in pursuance of the Act of the session of the fifteenth and sixteenth years of Her Majesty, chapter eighty-six, and general rules and orders may be made in pursuance of the said Acts respectively for determining the amount of security to be given (subject as aforesaid) and the mode of giving the same, and the names and form of writs, if any, to be issued for the purpose of carrying this section into effect.

- In this section "action or suit" shall include any legal proceeding for the recovery of a sum of money; "plaintiff" shall include any person instituting such proceeding; "defendant" shall include any person against whom such proceeding is instituted.

8. Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process under which he would not be liable to be arrested or imprisoned under this Act, such person shall, at the commencement of this Act, be discharged from such custody by order of the court under whose authority he was imprisoned, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Discharge of persons in custody at the commencement of this Act.

9. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any court of equity in the same manner as if such debtor had been actually arrested.

Saving for sequestration against property.

A.D. 1869.

PART II.

PUNISHMENT OF FRAUDULENT DEBTORS.

Punishment
of fraudulent
debtors.

10. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of The Bankruptcy Act 1869, shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the court before which he is convicted, to be imprisoned for any time not exceeding *two years*, with or without hard labour; that is to say,

1. If he does not, to the best of his knowledge and belief, fully 10
and truly discover to the trustee or other person administering
his estate for the benefit of his creditors all his property, real
and personal, and how, and to whom, and for what considera-
tion, and when he disposed of any part thereof, except such
part as has been disposed of in the ordinary way of his trade 15
(if any), or laid out in the ordinary expense of his family :
2. If he does not deliver up to such trustee or person, or as he
directs, all such part of his real and personal property as is in
his custody or under his control, and which he is required by
law to deliver up ; 20
3. If he does not deliver up to such trustee or person, or as he
directs, all books, documents, papers, and writings in his
custody or under his control relating to his property or
affairs :
4. If after the commencement of the bankruptcy or liquidation, 25
or within *four months* next before such commencement, he
conceals any part of his property to the value of *ten pounds*
or upwards, or conceals any debt due to or from him, unless
he proves that he did not do so with intent to defraud :
5. If after the commencement of the bankruptcy or liquidation, 30
or within four months next before such commencement, he
fraudulently removes any part of his property of the value of
ten pounds or upwards :
6. If he wilfully makes any material omission in any statement
relating to his affairs, unless he proves that he did not do so 35
with intent to defraud :
7. If, knowing or believing that a false debt has been proved by
any person under the bankruptcy or liquidation, he fail for
the period of a month to inform such trustee or other person
as aforesaid thereof : 40
8. If after the commencement of the bankruptcy or liquidation he
prevents or withholds the production of any book, document,

paper or writing affecting or relating to his property or affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law : A.D. 1869.

- 5 9. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 10 10. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 15 11. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs :
- 20 12. If after the commencement of the bankruptcy or liquidation, or at any meeting of his creditors within *four months* next before such commencement, he attempts to account for any part of his property by fictitious losses or expenses :
- 25 13. If within *four months* next before the commencement of the bankruptcy or liquidation, he, by any false representation or fraud, has obtained any property to the value of *fifty pounds* or upwards on credit and has not paid for the same :
- 30 14. If within *four months* next before the commencement of the bankruptcy or liquidation, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property of the value of *fifty pounds* or upwards on credit, and has not paid for the same, unless he proves that he did not do so with intent to defraud :
- 35 15. If within *four months* next before the commencement of the bankruptcy or liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless he proves that he did not do so with intent to defraud :
- 40

A.D. 1869.

Penalty for
absconding
with pro-
perty.False claim,
&c., a mis-
demeanor.Order by
court for
prosecution
on report of
trustee.Order for
reference to
Attorney
General.Expenses of
prosecutions.Form of
indictment.

16. If he is guilty of any false representation or fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation.

11. If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the commencement of the bankruptcy or liquidation, or within *four months* before such commencement, quits England and takes with him, or attempts or makes preparation for quitting England and for taking with him, any part of his property to the amount of *twenty pounds* or upwards, which ought by law to be divided amongst his creditors, he shall (unless he proves that he had no intent to defraud) be guilty of felony, punishable with penal servitude for a time not exceeding *five* years, or with imprisonment for a time not exceeding *two* years, with or without hard labour.

12. If any creditor in any bankruptcy or liquidation by arrangement wilfully makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment not exceeding *one* year, with or without hard labour.

13. Where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, the court may order the trustee to prosecute the bankrupt for such offence.

14. Where it appears to the satisfaction of the court that there are grounds for the institution of a prosecution against a bankrupt for an offence under this Act, the court may, if it thinks fit, either pending the proceedings in bankruptcy or afterwards, order the papers to be laid before Her Majesty's Attorney General for his direction thereon.

15. Where the court orders the trustee to prosecute the bankrupt under this Act, on the production of the order of the court, the expenses of the prosecution shall be allowed by the court before which the trial is had; *and expenses so allowed shall be paid and borne as expenses of prosecutions for felony are paid and borne.*

16. In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant, or document of any court acting under The Bankruptcy Act, 1869.

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17. On any prosecution for an offence under this Act the accused shall be entitled, if he thinks fit, to be sworn and give evidence as a witness. A.D. 1869.
Evidence of accused.

18. So much of the Act of the session of the fifth and sixth years of Her Majesty's reign (chapter thirty-eight), "to define the jurisdiction of justices in general and quarter sessions of the peace," as excludes from the jurisdiction of justices and recorders at sessions of the peace or adjournments thereof the trial of persons for offences against any provision of the laws relating to bankrupts is hereby repealed as from the passing of this Act; and any offence under this Act shall be deemed to be within the jurisdiction of such justices and recorders. Quarter sessions to have jurisdiction in respect of offences under Act.

19. Where any person is liable under any other Act of Parliament to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or under this Act, so that he be not punished twice for the same offence. Punishments under this Act cumulative.

PART III.

WARRANTS OF ATTORNEY, COGNOVITS, AND ORDERS FOR JUDGMENT.

20. Where in an action a warrant of attorney to confess judgment or a cognovit actionem is given, and the same, or a true copy thereof, is not filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days next after the execution thereof as required by the Act of the third year of the reign of King George the Fourth (chapter thirty-nine), "for preventing frauds upon creditors by secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or cognovit actionem so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before the filing thereof, otherwise the warrant or cognovit shall be void. Filing of warrant of attorney and cognovit actionem.

21. Where a judge's order made by consent is given by a Defendant in a personal action whereby the plaintiff is authorized forthwith or at any future time to sign or enter up judgment, or to issue or to take out execution, whether such order is made subject to any defeasance or condition or not, then if the action is in the Court of Queen's Bench the order, and if the action is in any other Filing of judge's order to enter up judgment.

A.D. 1869. court a true copy of the order, shall, together with an affidavit of the time of such consent being given, and a description of the residence and occupation of the defendant, be filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days after the making of the order, otherwise the order and any judgment signed or entered up thereon, and any execution issued or taken out on such judgment, shall be void. 5

Application of 3 Geo. 4. c. 39, 6 & 7 Vict. c. 66, to judge's orders.

22. The provisions of the said Act of the third year of King George the Fourth, and of the Act of the session of the sixth and 10 seventh years of Her Majesty's reign (chapter sixty-six), "to enlarge " the provisions of an Act for preventing frauds upon creditors by " secret warrants of attorney to confess judgment," for liberty to file a warrant of attorney or cognovit actionem, or a copy thereof, with the clerk of the docquets and judgments, and for that clerk to 15 make certain entries and search in relation thereto, and for entering satisfaction thereon, and for fees for search, and filing and taking office copies, shall extend and be applicable to every such judge's order.

Imprisonment for Debt.

A

BILL

For the Abolition of Imprisonment for Debt, for the punishment of fraudulent debtors; and for other purposes.

(Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed, 19 March 1869.

[Bill 61.]

Under 1 oz.

Imprisonment for Debt Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PRELIMINARY.

Clause.

1. Short title of Act.
 2. Extent of Act.
 3. Commencement and Construction of Act.
-

PART I.

Abolition of Imprisonment for Debt.

4. Abolition of imprisonment for debt, with exceptions.
 5. CLAUSE A.—Saving of power of committal for small debts.
 6. CLAUSE B.—Power under certain circumstances to arrest defendant about to quit England.
 7. Discharge of persons in custody at the commencement of this Act.
 8. Saving as to sequestration against property.
 9. CLAUSE C.—Saving of Bankruptcy Act, 1869.
-

PART II.

Punishment of Fraudulent Debtors.

10. Punishment of fraudulent debtors.
 11. Penalty for absconding with property.
 12. CLAUSE D.—Penalty on fraudulently obtaining credit, &c.
 13. False claim, &c. a misdemeanor.
 14. Order by court for prosecution on report of trustee.
 15. Order for reference to Attorney General.
 16. Expenses of prosecutions.
 17. Form of indictment.
 18. Quarter sessions to have jurisdiction in respect of offences under Act.
 19. Punishments under this Act cumulative.
-

PART III.

Warrants of Attorney, Cognovits, and Orders for Judgment.

Clause.

20. CLAUSE E.—Warrants of attorney and cognovit actionem to be executed in the presence of an attorney on behalf of the person.
 21. CLAUSE F.—Warrant, &c., not formally executed, invalid.
 22. Filing of warrant of attorney and cognovit actionem.
 23. Filing of judge's order to enter up judgment.
 24. Application of 3 Geo. 4. c. 39, 6 & 7 Vict. c. 66, to judge's orders.
-

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Abolition of Imprisonment for Debt, for the punishment of fraudulent debtors ; and for other purposes. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

PRELIMINARY.

1. This Act may be cited for all purposes as "The Debtors Act, 1869." Short title of Act.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. This Act shall not come into operation until the day on which The Bankruptcy Act, 1869, comes into operation, which day is herein-after referred to as the commencement of this Act, and words and expressions defined or explained in The Bankruptcy Act, 1869, shall have the same meaning in this Act. Commencement and construction of Act.

PART I.

15

ABOLITION OF IMPRISONMENT FOR DEBT.

4. With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money. Abolition of imprisonment for debt with exceptions.

There shall be excepted from the operation of this section :

- 20 1. Default in payment of a penalty, or sum in the nature of a penalty ;
2. Default in payment of any sum recoverable summarily before a justice or justices of the peace ;
- 25 3. Default by a trustee or person acting in a fiduciary capacity in payment of any sum in his possession or under his control.

[Bill 98.] A 2

A.D. 1869.

PART I.

4. Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order;
5. Default in payment for the benefit of creditors of a salary or other like sum accruing periodically in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order;
6. Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made in the county courts and other inferior courts.

CLAUSE A.
Saving of
power of
committal
for small
debts.

5. Subject to the provisions herein-after mentioned, the jurisdiction vested in a judge or his deputy under The County Courts Act, 1846, and the Acts amending the same of committing to prison a person making default in payment of a sum not exceeding fifty pounds shall be continued, and the jurisdiction under the Act "for the better securing the payment of small debts," passed in the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-seven, of committing a person to prison who makes default in payment of a sum not exceeding twenty pounds shall be extended to the committing to prison of a person making default in payment of a sum not exceeding fifty pounds, and may be exercised by a judge of a county court or his deputy, or by a judge of any inferior court of record for the recovery of small debts held under statute, or his deputy being a barrister; provided—

- (1.) That any jurisdiction hereby continued of committing a person to prison shall be exercised only by a judge or his deputy, and by an order made in open court and showing on its face the ground on which it issues.
- (2.) That such jurisdiction shall only be exercised where it appears to the satisfaction of the judge or his deputy that the person making default in payment of the sum which he was directed by an order or judgment to pay, either has or has had, since the date of such order or judgment, the means to pay the debt, damages, or costs, or instalments thereof in respect of the payment of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

CLAUSE B.
Power under
certain cir-
cumstances
to arrest
defendant
about to quit
England.

6. After the commencement of this Act a person shall not be arrested upon mesne process in any action.

Where the plaintiff in any action in any of Her Majesty's superior courts of law at Westminster in which the defendant is now liable to

arrest, proves at any time before final judgment by evidence on oath, to the satisfaction of a judge of one of those courts, that the plaintiff has good cause of action against the defendant to the amount of

A.D. 1869.

PART II.

fifty pounds or upwards, and that there is probable cause for
 5 believing that the defendant is about to quit England unless he be apprehended, and that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, such judge may in the prescribed manner order such defendant to be arrested and imprisoned unless and until he has given the pre-
 10 scribed security not exceeding the amount claimed in the action, that he will not go out of England without the leave of the court.

Where the action is for a penalty or sum in the nature of a penalty, it shall not be necessary to prove that the absence of the defendant from England will materially prejudice the plaintiff in
 15 the prosecution of his action, and the security given (instead of being that the defendant will not go out of England) shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

The term "Prescribed" means in this section, prescribed by
 20 general rules made in pursuance of "The Common Law Procedure Act, 1852," and general rules may be made in pursuance of the said Act for determining the amount of security to be given (subject as aforesaid) and the mode of giving the same, and the names and form of writs, if any, to be issued and other matters
 25 necessary for the purpose of carrying this section into effect.

7. Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after the commencement of this Act, such person shall, at the com-
 30 mencement of this Act, be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Discharge of persons in custody at the commencement of this Act.

8. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any court of equity in the same manner as if such debtor had been actually arrested.

Saving for sequestration against property.

9. Nothing in this part of this Act shall in any way affect any right or power, under The Bankruptcy Act, 1869, to arrest or
 40 imprison any person.

CLAUSE C.
 Saving for Bankruptcy Act, 1869.

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PART II.

PUNISHMENT OF FRAUDULENT DEBTORS.

PART II.
 Punishment
 of fraudulent
 debtors.

10. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of The Bankruptcy Act 1869, shall, in each of the cases following, be deemed guilty of a 5 misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour; that is to say,

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee or other person administering 10 his estate for the benefit of his creditors all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, 15 unless he proves that he did not do so with intent to defraud :
2. If he does not deliver up to such trustee or person, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by 20 law to deliver up, unless he proves that he did not do so with intent to defraud ;
3. If he does not deliver up to such trustee or person, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or 25 affairs, unless he proves that he did not do so with intent to defraud :
4. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he conceals any part of his property to the value of ten pounds 30 or upwards, or conceals any debt due to or from him, unless he proves that he did not do so with intent to defraud :
5. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he fraudulently removes any part of his property of the value of 35 ten pounds or upwards :
6. If he makes any material omission in any statement relating to his affairs, unless he proves that he did not do so with intent to defraud :

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PART II.

7. If, knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee or other person as aforesaid thereof :
- 5 8. If after the commencement of the bankruptcy or liquidation he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 10 9. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or
- 15 affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law :
10. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or
- 20 affairs, unless he proves that he did not do so with intent to conceal the state of his affairs or to defeat the law :
11. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he fraudulently parts with, alters, or makes any omission, or is
- 25 privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs :
12. If after the commencement of the bankruptcy or liquidation, or at any meeting of his creditors within four months next before such commencement, he attempts to account for any
- 30 part of his property by fictitious losses or expenses :
13. If within four months next before the commencement of the bankruptcy or liquidation, he, by any false representation or fraud, has obtained any property to the value of fifty pounds or upwards on credit and has not paid for the same :
- 35 14. If within four months next before the commencement of the bankruptcy or liquidation, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property of the value of
- 40 fifty pounds or upwards on credit, and has not paid for the same, unless he proves that he did not do so with intent to defraud :

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PART II.

15. If within four months next before the commencement of the bankruptcy or liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless he proves that he did not do so with intent to defraud : 5

16. If he is guilty of any false representation or fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation. 10

Penalty for absconding with property.

11. If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the commencement of the bankruptcy or liquidation, or within four months before such commencement, quits England and takes with him, or attempts or makes preparation for quitting England and for taking with him, any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless he proves that he had no intent to defraud) be guilty of felony, punishable with penal servitude for a time not exceeding five years, or with imprisonment for a time not exceeding two years, with or without hard labour. 15 20

CLAUSE D.
Penalty on fraudulently obtaining credit, &c.

12. Any person shall in each of the cases following be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour; that is to say, 25

- (1.) If in incurring any debt or liability he has obtained credit under false pretences, or by means of fraud or breach of trust;
- (2.) If he has wilfully contracted any debt or liability without having had at the time a reasonable expectation of being able to discharge the same; 30
- (3.) If he has with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property;
- (4.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him. 35

False claim, &c., a misdemeanor.

13. If any creditor in any bankruptcy or liquidation by arrangement wilfully makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment not exceeding one year, with or without hard labour. 40

14. Where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, the court may order the trustee to prosecute the bankrupt for such offence.

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PART II.

Order by court for prosecution on report of trustee.

Order for reference to Attorney General.

5 15. Where it appears to the satisfaction of the court that there are grounds for the institution of a prosecution against a bankrupt for an offence under this Act, the court may, if it thinks fit, either pending the proceedings in bankruptcy or afterwards, order the papers to be laid before Her Majesty's Attorney General for his direction
10 thereon.

16. *Where the prosecution of the bankrupt under this Act, is ordered by any court, then on the production of the order of the court, the expenses of the prosecution shall be allowed by the court before which the trial is had; and expenses so allowed shall be*
15 *paid and borne as expenses of prosecutions for felony are paid and borne.*

Expenses of prosecutions.

17. In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged, in the words of this Act specifying the offence or as near thereto as
20 circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant, or document of any court acting under The Bankruptcy Act, 1869.

Form of indictment.

18. So much of the Act of the session of the fifth and sixth
25 years of Her Majesty's reign (chapter thirty-eight), "to define the "jurisdiction of justices in general and quarter sessions of the "peace," as excludes from the jurisdiction of justices and recorders at sessions of the peace or adjournments thereof the trial of persons for offences against any provision of the laws relating to bankrupts
30 is hereby repealed as from the passing of this Act; and any offence under this Act shall be deemed to be within the jurisdiction of such justices and recorders.

Quarter sessions to have jurisdiction in respect of offences under Act.

19. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence
35 made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

Punishments under this Act cumulative.

A.D. 1869.

PART III.

PART III.

WARRANTS OF ATTORNEY, COGNOVITS, AND ORDERS FOR JUDGMENT.

CLAUSE E.
Warrants of
attorney and
cognovit
actionem to
be executed
in the pre-
sence of an
attorney on
behalf of
the person.
1 & 2 Vict.
c. 110. s. 9.

20. After the commencement of this Act, a warrant of attorney to confess judgment in any personal action or cognovit actionem 5 given by any person shall not be of any force unless there is present some attorney of one of the superior courts on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his 10 name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney.

CLAUSE F.
Warrant, &c.,
not formally
executed
invalid.
1 & 2 Vict.
c. 110. s. 10.

21. A warrant of attorney to confess judgment or cognovit actionem not executed in manner aforesaid shall not be rendered 15 valid by proof that the person executing the same did in fact understand the nature and effect thereof, or was fully informed of the same.

Filing of
warrant of
attorney and
cognovit
actionem.
12 & 13 Vict.
c. 106. s. 136.

22. Where in an action a warrant of attorney to confess judgment or a cognovit actionem is given, and the same, or a true 20 copy thereof, is not filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days next after the execution thereof as required by the Act of the third year of the reign of King George the Fourth (chapter thirty-nine), "for preventing frauds upon creditors by 25 "secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or cognovit actionem so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before 30 the filing thereof, otherwise the warrant or cognovit shall be void.

Filing of
judge's order
to enter up
judgment.
12 & 13 Vict.
c. 106. s. 137.

23. Where a judge's order made by consent is given by a defendant in a personal action whereby the plaintiff is authorized forthwith or at any future time to sign or enter up judgment, or to issue or to take out execution, whether such order is made subject 35 to any defeasance or condition or not, then if the action is in the Court of Queen's Bench the order, and if the action is in any other court a true copy of the order, shall, together with an affidavit of the time of such consent being given, and a description of the residence and occupation of the defendant, be filed with the officer 40

acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days after the making of the order, otherwise the order and any judgment signed or entered up thereon, and any execution issued or taken out on such judgment, shall be void.

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PART III.

24. The provisions of the said Act of the third year of King George the Fourth, and of the Act of the session of the sixth and seventh years of Her Majesty's reign (chapter sixty-six), "to enlarge the provisions of an Act for preventing frauds upon creditors by " secret warrants of attorney to confess judgment," for liberty to file a warrant of attorney or cognovit actionem, or a copy thereof, with the clerk of the docquets and judgments, and for that clerk to make certain entries and search in relation thereto, and for entering satisfaction thereon, and for fees for search, and filing and taking office copies, shall extend and be applicable to every such judge's order.

Application
of 3 Geo. 4.
c. 39.,
6 & 7 Vict.
c. 66.,
to judge's
orders.
12 & 13 Vict.
c. 106. s. 137.

*To be substituted for the Bill [98.]
recently delivered.*

Imprisonment for Debt.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Abolition of Imprisonment for
Debt, for the punishment of frau-
dulent debtors; and for other pur-
poses.

*(Prepared and brought in by
Mr. Attorney General, Mr. Solicitor General,
and Mr. Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
26 April 1869.*

[Bill 98.]

Under 2 oz.

Imprisonment for Debt Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
2. Extent of Act.
3. Commencement and construction of Act.

PART I.

Abolition of Imprisonment for Debt.

4. Abolition of imprisonment for debt, with exceptions.
5. Saving of power of committal for small debts.
6. CLAUSE B.—Power under certain circumstances to arrest defendant about to quit England.
7. Discharge of persons in custody at the commencement of this Act.
8. Saving for sequestration against property.
9. Saving for Bankruptcy Act, 1869.
10. CLAUSE G.—Definition of “prescribed.”

PART II.

Punishment of Fraudulent Debtors.

11. Punishment of fraudulent debtors.
12. Penalty for absconding with property.
13. CLAUSE D.—Penalty on fraudulently obtaining credit, &c.
14. False claim, &c. a misdemeanor.
15. CLAUSE H.—Debts incurred by fraud.
16. Order by court for prosecution on report of trustee.
17. Expenses of prosecutions.
18. Form of indictment.

[Bill 179.]

A

Clause.

19. Quarter sessions to have jurisdiction in respect of offences under Act.
 20. CLAUSE I.—Mayors, &c. disqualified by arrangements.
 21. CLAUSE K.—Justices of the peace becoming bankrupt or arranging with creditors.
 22. Punishments under this Act cumulative.
-

PART III.

Warrants of Attorney, Cognovits, and Orders for Judgment.

23. CLAUSE E.—Warrants of attorney and cognovit actionem to be executed in the presence of an attorney on behalf of the person.
 24. CLAUSE F.—Warrant, &c., not formally executed, invalid.
 25. Filing of warrant of attorney and cognovit actionem.
 26. Filing of judge's order to enter up judgment.
 27. Application of 3 Geo. 4. c. 39, 6 & 7 Vict. c. 66, to judge's orders.
 28. CLAUSE L.—Registration of details of bills of sale.
 29. CLAUSE M.—Exemption from act of foreign attachment.
-

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

The Abolition of Imprisonment for Debt, for the punishment
of fraudulent debtors ; and for other purposes. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
the authority of the same, as follows :

5

Preliminary.

1. This Act" may be cited for all purposes as "The Debtors Short title
of Act.
Act, 1869."

2. This Act shall not extend to Scotland or Ireland. Extent of
Act.

3. This Act shall not come into operation until the day on Commence-
ment and
construction
of Act.
10 which The Bankruptcy Act, 1869, comes into operation, which day
is herein-after referred to as the commencement of this Act, and
words and expressions defined or explained in The Bankruptcy
Act, 1869, shall have the same meaning in this Act.

PART I.

15

Abolition of Imprisonment for Debt.

4. With the exceptions herein-after mentioned, no person shall, Abolition of
imprison-
ment for
debt with
exceptions.
after the commencement of this Act, be arrested or imprisoned for
making default in payment of a sum of money.

There shall be excepted from the operation of this section :

- 20 1. Default in payment of a penalty, or sum in the nature of a
penalty, other than a penalty in respect of any contract :
2. Default in payment of any sum recoverable summarily before a
justice or justices of the peace :
3. Default by a trustee or person acting in a fiduciary capacity in
25 payment of any sum in his possession or under his control :

[Bill 179.]

A 2

A.D. 1869.

PART I.

4. Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order :
5. Default in payment for the benefit of creditors of a salary or 5 other like sum accruing periodically in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order :
6. Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made : 10

Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year ; and provided further, that the judgment is to remain in force except as to the taking in execution of the person.

Saving of
power of
committal
for small
debts.

5. Subject to the provisions herein-after mentioned, any court may 15 commit to prison for a term not exceeding six weeks any person who makes default in payment of any sum due from him in pursuance of any order or judgment of that or any other competent court.

Provided—(1.) That the jurisdiction by this section given of committing a person to prison shall, in the case of any court other 20 than the superior courts of law and equity, be exercised only in respect of a sum not exceeding fifty pounds and by a judge or his deputy, and by an order made in open court and showing on its face the ground on which it is issued. (2.) That such jurisdiction shall 25 only be exercised where it is proved to the satisfaction of the court that the person making default either has or has had since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

Proof of the means of the person making default may be given 30 in such manner as the court thinks just ; and for the purposes of such proof the debtor and any witnesses may be summoned and examined on oath, according to the prescribed rules :

Any jurisdiction by this section given to the superior courts may be exercised by a judge sitting in chambers, or otherwise, in 35 the prescribed manner :

For the purposes of this section any court may direct any sum due from any person in pursuance of any order or judgment of that or any other competent court to be paid by instalments, and may from time to time rescind or vary such order : 40

The jurisdiction by this section given to a county court may be exercised at the hearing of the cause in such court if the defendant has appeared in person.

6. After the commencement of this Act a person shall not be arrested upon mesne process in any action. A.D. 1869.

PART I.

CLAUSE B.
Power under
certain cir-
cumstances
to arrest
defendant
about to quit
England.

Where the plaintiff in any action in any of Her Majesty's superior courts of law at Westminster in which the defendant is at the commencement of this Act liable to arrest, proves at any time before final judgment by evidence on oath, to the satisfaction of a judge of one of those courts, that the plaintiff has good cause of action against the defendant to the amount of fifty pounds or upwards, and that there is probable cause for believing that the defendant is about to quit England unless he be apprehended, and that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, such judge may in the prescribed manner order such defendant to be arrested and imprisoned unless and until he has given the prescribed security not exceeding the amount claimed in the action, that he will not go out of England without the leave of the court.

Where the action is for a penalty or sum in the nature of a penalty, it shall not be necessary to prove that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, and the security given (instead of being that the defendant will not go out of England) shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

7. Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Discharge of
persons in
custody at
the com-
mencement
of this Act.

8. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any court of equity in the same manner as if such debtor had been actually arrested.

Saving for
sequestration
against
property.

9. Nothing in this part of this Act shall in any way affect any right or power, under The Bankruptcy Act, 1869, to arrest or imprison any person.

Saving for
Bankruptcy
Act, 1869.

10. In this part of this Act the term "prescribed" means as follows:—

CLAUSE G.
Definition of
"prescribed."

As respects the superior courts of common law prescribed by general rules made in pursuance of the Common Law Procedure Act, 1852;

A.D. 1869.

PART I.

As respects the superior courts of equity prescribed by general rules and orders made in pursuance of the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty;

As respects the county courts prescribed by general rules made 5 under the County Court Act, 1856; and

As respects any other court prescribed by the rules made by the persons having power to make rules in relation to the practice of such court; or if there be no such persons, rules made by the judge of such court, with the approval of the Lord 10 Chancellor:

And general rules and orders may respectively be made by such authorities as aforesaid, for the purpose of carrying into effect this part of this Act.

PART II.

PART II.

15

Punishment of Fraudulent Debtors.

Punishment
of fraudulent
debtors.

11. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of The Bankruptcy Act 1869, shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be im- 20 prisoned for any time not exceeding two years, with or without hard labour; that is to say,

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee or other person administering his estate for the benefit of his creditors all his property, real 25 and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the jury is satisfied that he did not do so with 30 intent to defraud:
2. If he does not deliver up to such trustee or person, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he did not 35 do so with intent to defraud:
3. If he does not deliver up to such trustee or person, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless the jury is satisfied that he did not do so with 40 intent to defraud:

A.D. 1869.

PART II.

- 5 4. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he did not do so with intent to defraud :
- 10 5. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he fraudulently removes any part of his property of the value of ten pounds or upwards :
- 15 6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he did not do so with intent to defraud :
- 15 7. If, knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee or other person as aforesaid thereof :
- 20 8. If after the commencement of the bankruptcy or liquidation he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the jury is satisfied that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 25 9. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 30 10. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he did not do so with intent to conceal the state of his affairs or to defeat the law :
- 35 11. If after the commencement of the bankruptcy or liquidation, or within four months next before such commencement, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs :
- 40 12. If after the commencement of the bankruptcy or liquidation, or at any meeting of his creditors within four months next

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PART II.

before such commencement, he attempts to account for any part of his property by fictitious losses or expenses :

13. If within four months next before the commencement of the bankruptcy or liquidation, he, by any false representation or other fraud, has obtained any property on credit and has not 5 paid for the same :
14. If within four months next before the commencement of the bankruptcy or liquidation, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and 10 has not paid for the same, unless the jury is satisfied that he did not do so with intent to defraud :
15. If within four months next before the commencement of the bankruptcy or liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his 15 trade any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he did not do so with intent to defraud :
16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any 20 of them to any agreement with reference to his affairs or his bankruptcy or liquidation.

Penalty for
absconding
with pro-
perty.

12. If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the commencement of the bank- 25 ruptcy or liquidation, or within four months before such commence- ment, quits England and takes with him, or attempts or makes preparation for quitting England and for taking with him, any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty 30 of felony, punishable with imprisonment for a time not exceeding two years, with or without hard labour.

CLAUSE D.
Penalty on
fraudulently
obtaining
credit, &c.

13. Any person shall in each of the cases following be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or 35 without hard labour; that is to say,

- (1.) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;
- (2.) If he has with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer 40 of or any charge on his property ;

(3.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

A.D. 1869.

PART II.

5 14. If any creditor in any bankruptcy or liquidation by arrangement or composition with creditors in pursuance of The Bankruptcy Act, 1869, wilfully and with intent to defraud makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment not exceeding one year,
10 with or without hard labour.

False claim,
&c. a misdemeanor.

15 15. Where a debtor makes any arrangement or composition with his creditors under the provisions of The Bankruptcy Act, 1869, he shall, after the provisions of the deed have been executed, remain
15 liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting
20 dividends.

CLAUSE H.
Debts incurred by fraud.

16. Where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, or where the court is satisfied upon the representation of any creditor or inspector that
25 there is ground to believe that the bankrupt has been guilty of any offence under this Act, the court shall, if it appears to the court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

Order by court for prosecution on report of trustee.

30 17. Where the prosecution of the bankrupt under this Act is ordered by any court then, on the production of the order of the court, the expenses of the prosecution shall be allowed, paid, and borne as expenses of prosecutions for felony are allowed, paid, and borne.

Expenses of prosecutions.

35 18. In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged, in the words of this Act specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or
40 order, warrant, or document of any court acting under The Bankruptcy Act, 1869.

Form of indictment.

A.D. 1869.

PART II.

Quarter sessions to have jurisdiction in respect of offences under Act.

CLAUSE I.
Mayors, &c. disqualified by arrangements.

CLAUSE K.
Justices of the peace becoming bankrupt or arranging with creditors.

Punishments under this Act cumulative.

19. So much of the Act of the session of the fifth and sixth years of Her Majesty's reign (chapter thirty-eight), "to define the jurisdiction of justices in general and quarter sessions of the peace," as excludes from the jurisdiction of justices and recorders at sessions of the peace or adjournments thereof the trial of persons for offences against any provision of the laws relating to bankrupts is hereby repealed as from the passing of this Act; and any offence under this Act shall be deemed to be within the jurisdiction of such justices and recorders. 5

20. The provisions of the Act of the sixth year of William the Fourth, chapter seventy-six, for the regulation of municipal corporations, sections fifty-two and fifty-three, as to the disqualification of mayors, aldermen, and town councillors having been declared bankrupt or having compounded by deed with their creditors, shall extend to every arrangement or composition by a mayor, alderman, or town councillor with his creditors under The Bankruptcy Act, 1869, whether the same is made by deed or otherwise. 15

21. If any person being assigned by Her Majesty's Commission to act as a justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under The Bankruptcy Act, 1869, he shall be and remain incapable of acting as a justice of the peace until he has been newly assigned by Her Majesty in that behalf. 20

22. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

PART III.

PART III.

WARRANTS OF ATTORNEY, COGNOVITS, AND ORDERS FOR JUDGMENT. 30

CLAUSE E.
Warrants of attorney and cognovit actionem to be executed in the presence of an attorney on behalf of the person.
1 & 2 Vict. c. 110. s. 9.

23. After the commencement of this Act, a warrant of attorney to confess judgment in any personal action or cognovit actionem given by any person shall not be of any force unless there is present some attorney of one of the superior courts on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare 35

himself to be attorney for the person executing the same, and state that he subscribes as such attorney. A.D. 1869.

PART III.

CLAUSE F.
Warrant, &c.
not formally
executed
invalid.

1 & 2 Vict.
c. 110. s. 10.

Filing of
warrant of
attorney and
cognovit
actionem.

12 & 13 Vict.
c. 106. s. 136.

Filing of
judge's order
to enter up
judgment.

12 & 13 Vict.
c. 106. s. 137.

Application
of 3 Geo. 4.
c. 39.,

6 & 7 Vict.
c. 66.,
to judge's
orders.

12 & 13 Vict.
c. 106. s. 137.

24. A warrant of attorney to confess judgment or cognovit actionem not executed in manner aforesaid shall not be rendered
5 valid by proof that the person executing the same did in fact understand the nature and effect thereof, or was fully informed of the same.

25. Where in an action a warrant of attorney to confess judgment or a cognovit actionem is given, and the same, or a true
10 copy thereof, is not filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days next after the execution thereof as required by the Act of the third year of the reign of King George the Fourth (chapter thirty-nine), "for preventing frauds upon creditors by
15 " secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or cognovit actionem so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before
20 the filing thereof, otherwise the warrant or cognovit shall be void.

26. Where a judge's order made by consent is given by a defendant in a personal action whereby the plaintiff is authorized forthwith or at any future time to sign or enter up judgment, or to issue or to take out execution, whether such order is made subject
25 to any defeasance or condition or not, then if the action is in the Court of Queen's Bench the order, and if the action is in any other court a true copy of the order, shall, together with an affidavit of the time of such consent being given, and a description of the residence and occupation of the defendant, be filed with the officer
30 acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days after the making of the order, otherwise the order and any judgment signed or entered up thereon, and any execution issued or taken out on such judgment, shall be void.

35 27. The provisions of the said Act of the third year of King George the Fourth, and of the Act of the session of the sixth and seventh years of Her Majesty's reign (chapter sixty-six), "to enlarge
" the provisions of an Act for preventing frauds upon creditors by
" secret warrants of attorney to confess judgment," for liberty to
40 file a warrant of attorney or cognovit actionem, or a copy thereof, with the clerk of the docquets and judgments, and for that clerk to make certain entries and search in relation thereto, and for entering

A.D. 1869. satisfaction thereon, and for fees for search, and filing and taking
 PART III. office copies, shall extend and be applicable to every such judge's
 order.

CLAUSE L.
 Registration
 of details of
 bills of sale.

28. In addition to the particulars required by the seventh section
 of the Act twenty-ninth and thirtieth Victoria, chapter ninety-six, 5
 intituled "An Act to amend 'The Bills of Sale Act, 1854,'" there shall be entered in the book thereby directed to be kept the
 residence and occupation of the person or persons to whom or in
 whose favour every bill of sale shall be given, and the sum for which
 the same shall be given. 10

CLAUSE M.
 Exemption
 from act of
 foreign at-
 tachment.

29. Nothing in this Act contained shall affect the custom of
 foreign attachment as exercised by any competent court, or the pro-
 ceedings in relation to such custom.

Imprisonment for Debt.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
 RE-COMMITMENT]

For the Abolition of Imprisonment for
 Debt, for the punishment of frau-
 dulent debtors; and for other pur-
 poses.

(Prepared and brought in by
 Mr. Attorney General, Mr. Solicitor General,
 and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
25 June 1869.

[Bill 179.]

Under 2 oz.

LORDS AMENDMENTS
TO
THE IMPRISONMENT FOR DEBT BILL.

*Note.—The page and line refer to the Bill (168) as first printed
by the Lords.*

Page 1.

Line 19, leave out (“ this section ”) and insert (“ the above
“ enactment ”)

Lines 24 and 25, leave out (“ in payment of ”) and insert (“ and
“ ordered to pay by a court of equity ”)

Page 2.

Line 24, after (“ issued ”) insert—

(b) Be exercised only as respects a judgment of a superior
court of law or equity when such judgment does not
exceed fifty pounds, exclusive of costs ;

(c) Be exercised only as respects a judgment of a county court
by a county court judge or his deputy.

Line 5, after (“ creditors ”) insert (“ of any portion ”)

Line 6, leave out (“ like sum accruing periodically ”) and
insert (“ income ”)

Line 11, after (“ Provided ”) insert (“ first ”)

Line 12, leave out from (“ year ”) to the end of the clause, and
insert (“ and, secondly, that nothing in this section shall
“ alter the effect of any judgment or order of any court for
“ payment of money except as regards the arrest and im-
“ prisonment of the person making default in paying such
“ money.”)

Line 15, after (“ mentioned ”) insert (“ and to the prescribed
“ rules ”)

Line 16, after (“ weeks ”) insert (“ or until payment of the
“ sum due ”)

[Bill 252.]

A

Line 17, leave out ("sum") and insert ("debt or instalment
" of any debt")

Lines 21 and 22, leave out ("in respect of a sum not exceeding
" fifty pounds and ") and insert ("subject to the following
" restrictions ; that is to say,
" (a) Be exercised only")

Line 37, leave out ("sum") and insert ("debt")

Line 40, leave out from ("order") to the end of the clause and
insert—

Persons committed under this section by a superior court may be committed to the prison in which they would have been confined if arrested on a writ of *capias ad satisfaciendum*, and every order of committal by any superior court shall, subject to the prescribed rules, be issued, obeyed, and executed in the like manner as such writ.

This section, so far as it relates to any county court, shall be deemed to be substituted for sections ninety-eight and ninety-nine of the County Court Act, 1846, and that Act and the Acts amending the same shall be construed accordingly, and shall extend to orders made by the county court with respect to sums due in pursuance of any order or judgment of any court other than a county court.

No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand or cause of action, or deprive any person of any right to take out execution against the lands, goods, or chattels of the person imprisoned, in the same manner as if such imprisonment had not taken place.

Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied the debt or instalment of a debt in respect of which he was imprisoned, together with the prescribed costs (if any).

Page 3.

Line 4, after ("which") insert ("if brought before the com-
" mencement of this Act")

Lines 4 and 5, leave out ("is at the commencement of this
" Act") and insert ("would have been")

Line 14, after ("imprisoned") insert ("for a period not
" exceeding six months") and after ("has") insert
("sooner")

Line 18, after (" penalty ") insert (" other than a penalty in
" respect of any contract ")

At end of clause 7 add—

Where at the commencement of this Act special bail has been given in any action the defendant in which after the commencement of this Act cannot be imprisoned on making default in satisfying the judgment recovered against him in such action, the condition of such bail, instead of being that the judgment shall be satisfied or the defendant rendered to prison, shall be deemed to be that the defendant shall not go out of England without leave of the court.

Line 42, after (" rules ") insert (" to be ")

Page 4.

Line 2, after (" orders ") insert (" to be ")

Lines 5 and 7, after (" rules ") insert (" to be ")

Line 7, after (" made ") insert (" with the approval of the Lord
" Chancellor ")

Line 9, leave out (" rules made ")

Lines 10 and 11, leave out (" with the approval of the Lord
" Chancellor ")

Line 24, leave out (" or other person ")

Line 30, leave out (" did not do so with ") and insert (" had
no ")

Line 32, leave out (" or person ")

Lines 35 and 36, leave out (" did not do so with ") and insert
(" had no ")

Line 37, leave out (" or person ")

Line 40, leave out (" did not do so with ") and insert (" had
no ")

Page 5.

Line 1, leave out (" commencement of the bankruptcy or ")
and insert (" presentation of a bankruptcy petition against
" him or the commencement of the ")

Line 2, after (" such ") insert (" presentation or ")

Line 5, leave out (" did not do so with ") and insert (" had
no ")

Line 7, leave out (" commencement of the bankruptcy or ")
and insert (" presentation of a bankruptcy petition against
" him or the commencement of the ")

Line 8, after ("such") insert ("presentation or")

Lines 12 and 13, leave out ("did not do so with") and insert ("had no")

Line 16, leave out ("or other person")

Line 18, { leave out ("commencement of the bankruptcy or")
and insert ("presentation of a bankruptcy petition
Line 23, { "against him or the commencement of the")

Line 24, after ("such") insert ("presentation or")

Line 21, {
Line 28, { leave out ("did not do so with") and insert ("had no")
Line 34, }

Line 30, leave out ("commencement of the bankruptcy or")
and insert ("presentation of a bankruptcy petition against
him or the commencement of the")

Line 31, after ("such") insert ("presentation or")

Line 36, leave out ("commencement of the bankruptcy or")
and insert ("presentation of a bankruptcy petition against
"him or the commencement of the")

Line 37, after ("such") insert ("presentation or")

Line 42, leave out ("commencement of the bankruptcy or")
and insert ("presentation of a bankruptcy petition against
"him or the commencement of the")

Page 6.

Line 1, after ("such") insert ("presentation or")

Lines 3 and 4, {
Lines 7 and 8, { leave out ("commencement of the bank-
ruptcy or") and insert ("presentation
Lines 13 and 14, { "of a bankruptcy petition against him or
Lines 24 and 25, { "the commencement of the")

Line 12, {
Lines 17 and 18, { leave out ("did not do so with") and insert
("had no")

Line 25, after ("such") insert ("presentation or")

Page 7.

Line 14, leave out ("after the provisions of the deed have
been executed")

Line 24, leave out ("inspector") and insert ("member of the
"committee of inspection")

Page 8.

Line 20, leave out ("sixth year") and insert ("session of the
"fifth and sixth years")

LORDS AMENDMENTS

TO

THE IMPRISONMENT FOR DEBT
BILL.

Ordered, by The House of Commons, to be Printed,
30 July 1869.

[Bill 252.]

Under 1 oz.

A

B I L L

INTITULED

An Act to render valid certain Title Deeds for Inam Lands. A.D. 1869.

WHEREAS by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled “An Act for the better government of India,” it was provided that any deed, contract, or other instrument for the purpose of disposing of real estate in India, vested in Her Majesty under the said last-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by order of the Governor General in Council, or the Governor of Fort Saint George or of Bombay in Council :

And whereas certain title deeds have been issued for Inam lands in the Presidency of Fort Saint George by the Inam commissioner in the execution of his office in that respect in which it is not expressed that they are executed by order of the Governor in Council, and which further purport to have been executed on behalf of the Governor in Council instead of on behalf of the Secretary of State for India in Council :

And whereas it is apprehended that such title deeds might, under the operation of the Acts above recited, be invalid :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That no title deed for Inam lands issued by the Inam commissioner in the Presidency of Fort Saint George up to the date of the passing of this Act shall be deemed invalid on the ground that such deed is not expressed therein to have been executed by order of the Governor in Council, or that it is expressed to have been executed on behalf of the Governor in Council of Fort

Title deeds
for Inam
lands valid.

[Bill 193.]

A.D. 1869. Saint George instead of on behalf of the Secretary of State for India
— in Council; and all such title deeds shall be read and have the same
effect as if they were expressed to have been executed by order of
the Governor in Council and on behalf of the Secretary of State for
India in Council.

Inam Lands. [H.L.]

A

BILL

INTITLED

An Act to render valid certain Title
Deeds for Inam Lands.

(*Brought from the Lords 29 June 1869.*)

*Ordered, by The House of Commons, to be Printed,
1 July 1869.*

[Bill 193.]

Under 1 oz.

A

B I L L

TO

Provide for depositing in one place the Inclosure Awards preserved at Durham, and for abolishing the office of Cursitor of the Court of Chancery in the palatine of Durham. A.D. 1869.

WHEREAS several Acts of Parliament, private as well as public, have been heretofore passed for dividing, allotting, and inclosing certain lands, commons, and commonable lands in the counties of York and Durham, and by the same Acts, or some of them, it was enacted that the awards made thereunder or pursuant thereto, or copies or duplicates of such awards, and the plans thereto belonging should be deposited and enrolled in the city of Durham in some or one of the offices under mentioned, viz., the office of auditor of the Bishop of Durham, the office of clerk of the peace of the county of Durham, the registrar of the Court of Chancery, Durham, the office of the Dean and Chapter of Durham, and the office of the cursitor in chancery of the palatine of Durham :

And whereas it is expedient that all the said several awards, plans, enrolments, duplicates, and copies should be deposited in one place for the greater convenience of persons requiring to consult them :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The said several awards, plans, enrolments, duplicates, and copies shall be forthwith demanded, collected, and taken possession of by the clerk of the peace of the county of Durham, and be by him deposited, and the same shall remain in the office of and be deemed to be in the legal custody of the clerk of the peace for the said county, and the clerk of the peace of the said county for the time being, or his deputy, shall permit and suffer any person or persons whomsoever, at all reasonable times, to peruse and inspect and take copies of the said awards, plans, enrolments, duplicates,

Awards made under certain Acts to be in the custody of the clerk of the peace for the county of Durham.

[Bill 44.]

A

A.D. 1869. and copies on payment by all persons, except the Bishop of Durham for the time being and the Dean and Chapter of Durham, and his or their officers and agents, for the perusal and inspection of each document with the plan, if any, belonging thereto, the sum of *one shilling* and no more, but without payment being made by the said 5 bishop or the said dean and chapter, or his or their officers or agents.

The clerk of the peace to give certified copies of said awards on payment of certain fees.

2. A copy of the said awards, plans, enrolments, duplicates, and copies certified as a true copy under the hand of the said clerk of the peace for the time being, or his deputy, shall be made and delivered to any person requesting the same by the said clerk of 10 the peace for the time being, or his deputy, on payment for such copy after the rate of not more than *fourpence* per folio of seventy-two words (besides the stamp duty, if any be required), and the said awards, plans, enrolments, duplicates, and copies, and such certified copies thereof, shall be received as legal evidence in all courts and 15 proceedings whatsoever.

Chapter, clerk, and registrar to Dean and Chapter of Durham may claim compensation.

3. It shall be lawful, at any time after the removal of the said awards, plans, enrolments, duplicates, and copies from the register office of the dean and chapter aforesaid, for the person who on the first day of January 1869 held the offices of chapter, clerk, and 20 registrar to the Dean and Chapter of Durham aforesaid, or either of such offices, to make a claim for compensation to the Commissioners of Her Majesty's Treasury for the time being, *who within the space of six months* after such application shall, by examination upon oath or otherwise, which oath they and every one of them are 25 and is hereby authorized to administer, inquire if any and what compensation ought to be made for loss of fees incurred by the applicant in consequence of such removal as aforesaid; and the said commissioners, by warrant under their hand, shall order and direct that such annual compensation, if any, in respect of such loss of 30 fees as to them shall appear to be just and reasonable shall be paid to the applicant, such compensation to be deemed accruing due from day to day, but payable quarterly on such days as the said commissioners shall direct, and be paid out of *the Consolidated Fund*: Provided always, that an account of all such compensation 35 shall, within fourteen days after the same shall be so granted, be laid on the table of the House of Commons if Parliament shall be then assembled, or if Parliament shall not be then assembled then within fourteen days after the meeting of the Parliament then next following.

40

Office of cursitor of chancery in

4. And whereas the business of the cursitor of the Court of Chancery in the palatine of Durham has been greatly diminished

and the office is now vacant, and it is expedient that the said office should be abolished: Be it therefore further enacted, that from and after the *passing of this Act* the office of cursitor of chancery in the palatine of Durham shall utterly cease and determine, and all and
5 every the duties of the said cursitor shall henceforth be performed by the registrar of the Court of Chancery of the palatine of Durham for the time being, and all the acts done by the said registrar in performance of the duties of the said cursitor, from and after the passing of this Act, shall in all respects, and to all intents and pur-
10 poses, have the same force and effect as if the said registrar had been cursitor in the Court of Chancery in the said palatinate.

A.D. 1869.

the county palatine of Durham to cease.

Duties of cursitor to be performed by the registrar of Court of Chancery of palatinate of Durham.

Inclosure Awards (county palatine of Durham).

A

B I L L

To provide for depositing in one place
the Inclosure Awards preserved at
Durham, and for abolishing the office
of Curstior of the Court of Chancery
in the palatine of Durham.

*(Prepared and brought in by
Mr. Bentinck, Sir Roundell Palmer, and
Mr. William Lothery.)*

*Ordered, by The House of Commons, to be Printed,
10 March 1869.*

[Bill 44.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for depositing in one place the Inclosure Awards A.D. 1869.
preserved at Durham, and for abolishing the office of
Cursitor of the Court of Chancery in the palatine of
Durham.

WHEREAS several Acts of Parliament, private as well as public,
have been heretofore passed for dividing, allotting, and
inclosing certain lands, commons, and commonable lands in the
counties of York and Durham, and by the same Acts, or some of
5 them, it was enacted that the awards made thereunder or pursuant
thereto, or copies or duplicates of such awards, and the plans thereto
belonging should be deposited and enrolled in the city of Durham
in some or one of the offices under mentioned, viz., the office of
auditor of the Bishop of Durham, the office of clerk of the peace of
10 the county of Durham, the registrar of the Court of Chancery,
Durham, the office of the Dean and Chapter of Durham, and the
office of the cursitor in chancery of the palatine of Durham :

And whereas it is expedient that all the said several awards, plans,
enrolments, duplicates, and copies should be deposited in one place
15 for the greater convenience of persons requiring to consult them :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

20 1. The said several awards, plans, enrolments, duplicates, and
copies shall be forthwith demanded, collected, and taken possession
of by the clerk of the peace of the county of Durham, and be by
him deposited, and the same shall remain in the office of and be
deemed to be in the legal custody of the clerk of the peace for the
25 said county, and the clerk of the peace of the said county for the
time being, or his deputy, shall permit and suffer any person or
persons whomsoever, at all reasonable times, to peruse and inspect

Awards
made under
certain Acts
to be in the
custody of
the clerk of
the peace
for the
county of
Durham.

2 *Inclosure Awards (County Palatine of Durham)*. [32 & 33 VICT.]

A.D. 1869. and take copies of the said awards, plans, enrolments, duplicates, and copies on payment by all persons, except the Bishop of Durham for the time being, the Ecclesiastical Commissioners for England and Wales, and the Dean and Chapter of Durham, and his or their officers and agents, for the perusal and inspection of each 5 document with the plan, if any, belonging thereto, the sum of one shilling and no more, but without payment being made by the said bishop, the said Ecclesiastical Commissioners, or the said dean and chapter, or his or their officers or agents.

The clerk of the peace to give certified copies of said awards on payment of certain fees.

2. A copy of the said awards, plans, enrolments, duplicates, and 10 copies certified as a true copy under the hand of the said clerk of the peace for the time being, or his deputy, shall be made and delivered to any person requesting the same by the said clerk of the peace for the time being, or his deputy, on payment for such copy after the rate of not more than fourpence per folio of seventy- 15 two words (besides the stamp duty, if any be required), and the said awards, plans, enrolments, duplicates, and copies, and such certified copies thereof, shall be received as legal evidence in all courts and proceedings whatsoever: Provided always, that nothing contained herein shall apply to copies of awards deposited under statute eight 20 and nine Victoria, chapter one hundred and eighteen, section one hundred and forty-six.

Office of cursitor of chancery in the county palatine of Durham to cease. Duties of cursitor to be performed by the registrar of Court of Chancery of palatinate of Durham.

3. And whereas the business of the cursitor of the Court of Chancery in the palatine of Durham has been greatly diminished 25 and the office is now vacant, and it is expedient that the said office should be abolished: Be it therefore further enacted, that from and after the passing of this Act the office of cursitor of chancery in the palatine of Durham shall utterly cease and determine, and all and every the duties of the said cursitor shall henceforth be performed 30 by the registrar of the Court of Chancery of the palatine of Durham for the time being, and all the acts done by the said registrar in performance of the duties of the said cursitor, from and after the passing of this Act, shall in all respects, and to all intents and purposes, have the same force and effect as if the said registrar had 35 been cursitor in the Court of Chancery in the said palatinate.

Inclosure Awards (County Palatine of Durham).

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for depositing in one place
the Inclosure Awards preserved at
Durham, and for abolishing the office
of Cursitor of the Court of Chancery
in the palatine of Durham.

(*Prepared and brought in by*
Mr. Beninch, Sir Roundell Palmer, and
Mr. William Louthen.)

Ordered, by The House of Commons, to be Printed,
12 July 1869.

[Bill 210.]

Under 1 oz

A

B I L L

TO

Authorize the inclosure of certain lands in pursuance of a ⁷A.D. 1869.
report of the Inclosure Commissioners for England and
Wales.

WHEREAS the Inclosure Commissioners for England and
Wales have, in pursuance of "The Acts for the in-
closure, exchange, and improvement of land," issued their
provisional orders for and concerning the proposed inclosures
5 mentioned in the schedule to this Act, and have in their twenty-
fourth annual general report certified their opinion that such
inclosures would be expedient; but the same cannot be proceeded
with without the previous authority of Parliament: Be it enacted
by the Queen's most Excellent Majesty, by and with the advice
10 and consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the authority of the
same, as follows:

1. That the said several proposed inclosures mentioned in the
schedule to this Act be proceeded with.
- 15 2. In citing this Act in other Acts of Parliament and in legal
instruments it shall be sufficient to use either the expression "The
annual Inclosure Act, 1869," or "The Acts for the inclosure,
exchange, and improvement of land."

Inclosures
in Schedule
may be pro-
ceeded with.
Short Title.

A.D. 1869.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.	
Llanvair Waterdine - - -	Salop - - -	25th June 1868.	5
Highbray - - -	Devon - - -	18th June 1868.	
Stoke Orchard - - -	Gloucester - - -	2d July 1868.	
Huntley (No. 2) - - -	Gloucester - - -	2d July 1868.	
Harrietsham - - -	Kent - - -	2d July 1868.	
Hunston (No. 2) - - -	Sussex - - -	30th July 1868.	10
Lanivet - - -	Cornwall - - -	18th August 1868.	
Tir Abbot Ucha - - -	Denbigh - - -	15th June 1865.	
Withypool - - -	Somerset - - -	19th November 1868.	
Wisley - - -	Surrey - - -	11th December 1868.	
Piecombe - - -	Sussex - - -	2d December 1868.	15
Saxlingham - - -	Norfolk - - -	25th June 1868.	
Overton - - -	Flint - - -	28th May 1868.	
Kirton - - -	Lincoln - - -	7th January 1869.	

Inclosure of Lands.

A

B I L L

To authorize the inclosure of certain lands in pursuance of a report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by
Mr. Knatchbull-Hugessen and
Mr. Secretary Bruce.*)

*Ordered, by The House of Commons, to be Printed,
1 March 1869.*

[Bill 31.]

Under 1 oz.

A

B I L L

TO

Authorize the Inclosure of certain Lands in pursuance of a special report of the Inclosure Commissioners for England and Wales. A.D. 1869.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed inclosures mentioned in the schedule to this Act, and the requisite consents thereto have been given since the date of their twenty-fourth annual general report : Preamble.

And whereas the said commissioners have by a special report certified their opinion that such proposed inclosures would be expedient ; but the same cannot be proceeded with without the previous authority of Parliament :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That the said several proposed inclosures mentioned in the schedule to this Act be proceeded with.

Inclosures in
schedule
may be pro-
ceeded with.

2. In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use either the expression "The Second Annual Inclosure Act, 1869," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

Short title.

A.D. 1869.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.	
Maltby - - -	York - - -	4th March 1869.	
Wolstanton - - -	Stafford - - -	4th March 1869.	5
Llanvair Waterdine (No. 2). -	Salop - - -	25th February 1869.	
Alston - - -	Cumberland - - -	18th March 1869.	
Myndtown - - -	Salop - - -	6th May 1869.	
Liston - - -	Essex - - -	6th May 1869.	
Felkirk (Brierley, &c.) - -	York - - -	1st March 1869.	10
Layston and Widdial - -	Hertford - - -	19th November 1868.	

**Inclosure of Land
(No. 2).**

A

B I L L

To authorize the Inclosure of certain
Lands in pursuance of a special re-
port of the Inclosure Commissioners
for England and Wales.

*(Prepared and brought in by
Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.)*

*Ordered, by The House of Commons, to be Printed,
3 June 1869.*

[Bill 148.]

Under 1 oz.

A
B I L L

TO

Provide for the winding-up of the business of the late Court A.D. 1869.
for the Relief of Insolvent Debtors in England, and to
repeal Enactments relating to Bankruptcy, and matters con-
nected therewith.

WHEREAS it is expedient to provide for the winding-up of the
business of the late court for the relief of insolvent debtors in
England :

And whereas the enactments described in the schedule to this
5 Act relate to insolvency or bankruptcy, or to matters connected
therewith, and the same either have ceased to be in force, or on the
commencement of divers Acts of the present session will cease to be
in force, and it is therefore expedient that the same be expressly
repealed :

10 Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

Preliminary.

15 1. This Act may be cited as The Bankruptcy Repeal and Insol- Short title.
vent Court Act, 1869.

2. This Act shall not come into operation until the day on which Commence-
ment of Act.
The Bankruptcy Act, 1869, comes into operation, which day is
herein-after referred to as the commencement of this Act.

20

PART I.

Temporary Provisions respecting Insolvent Debtors.

3. Words and expressions defined or explained in The Bank- Construction
of part of
Act.
ruptcy Act, 1869, shall have the same meaning in this part of
this Act.

[Bill 134.]

A

A.D. 1869.

—
Jurisdiction
of Insolvent
Debtors
Court to be
in Court of
Bankruptcy
in London.

4. The Court of Bankruptcy in London shall have all the jurisdiction, powers, and authorities possessed at the commencement of The Bankruptcy Act, 1861, by the late court for the relief of insolvent debtors in England (in this part of this Act called the late Insolvent Debtors Court), in relation to all matters then 5 pending in that court, and not completed at the commencement of this Act.

Jurisdiction
of county
courts.

5. All matters at the commencement of this Act pending in county courts under the Acts for the relief of insolvent debtors shall (subject to the express provisions of this part of this Act) be 10 continued and completed therein as if this Act had not been passed.

Appeal in
cases of in-
solvency.

6. Where any judge exercises any jurisdiction under this part of this Act there shall be the same right of appeal from any order made by him as is allowed by The Bankruptcy Act, 1869, in case of orders made by him in exercising jurisdiction under that Act. 15

General
rules to be
made by
court.

7. Rules of court may be made in manner provided by The Bankruptcy Act, 1869, for the effectual execution of this part of this Act and of the objects thereof, and the regulation of the practice and procedure in proceedings thereunder, and the provisions of The Bankruptcy Act, 1869, with respect to the making of 20 rules of court shall apply accordingly.

Until rules have been made in pursuance of this section, and, so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be 25 observed.

Delegation
of authority
by court.

8. The judge of any court exercising jurisdiction under this part of this Act may delegate to the registrar or to any other officer of his court, such of the powers vested in him under this part of this Act as are allowed by the rules of court to be so delegated. 30

Saving for
liability
under insol-
vent debtors
Acts.

9. Where a bankrupt has before adjudication of bankruptcy taken the benefit of any Act for the relief of insolvent debtors, nothing in The Bankruptcy Act, 1869, shall interfere with the operation of the Act of which he so took the benefit, in respect of the liability of property acquired after his discharge under that Act, 35 if and so far as any such liability would have existed if The Bankruptcy Act, 1869, and this Act had not been passed.

Provision
for duties of
provisional
assignee.

10. The person at the commencement of this Act holding the office of provisional and official assignee of the estates and effects of insolvent debtors shall (subject to the provisions of this 40

A.D. 1869.

Act) continue, on the same terms on which he then holds that office, to perform the duties imposed on him by or under The Bankruptcy Act, 1861, or any other Act. If a vacancy occurs in that office the Lord Chancellor may appoint a fit person to
5 perform the remaining duties thereof, who shall receive such remuneration as the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs, and the person so appointed shall have all the powers and authorities of the person who is at the commencement of
10 this Act the provisional and official assignee; and all estates, rights, and effects vested in the provisional and official assignee at the time of the vacancy shall, by virtue of such appointment, become vested in the person so appointed, and the like appointment on a vacancy shall be made and the like vesting shall have effect
15 from time to time as occasion requires.

11. The provisional and official assignee of the estates and effects of insolvent debtors and the person for the time being appointed to perform the remaining duties of that office shall also be styled the receiver of the late Insolvent Debtors Court, and as
20 such he shall act in such manner in relation to the receipt and custody of money paid to him or into court in respect of the estates of insolvent debtors, and give such security, as may be from time to time prescribed by the rules of court.

Receiver of
Insolvent
Debtors
Court.

The accounts of the provisional and official assignee and receiver
25 shall be audited by such person and in such manner and at such times as may be prescribed by the rules of court.

12. The clerks and persons (other than the provisional and official assignee) at the commencement of this Act discharging duties connected with the late Insolvent Debtors Court shall con-
30 tinue to discharge the same duties as at the commencement of this Act; and every such clerk and person appointed before the commencement of The Bankruptcy Act, 1861, shall hold his appointment during good behaviour, but may be removed by the Lord Chancellor, by order, for some sufficient reason therein stated.
35 If a vacancy happens in the place of any clerk or person to whom this section relates, the Lord Chancellor may, if he thinks fit, with the concurrence of the Commissioners of Her Majesty's Treasury, employ a fit person to discharge the duties of that place; and in the event of the duties of any such first-named clerk or person ceasing,
40 he shall, if the Lord Chancellor thinks fit, be appointed to discharge similar duties in the Court of Bankruptcy in London in case his services are required in that behalf, and if not so appointed his

Clerks and
officers of
Insolvent
Debtors
Court.
1861, s. 22.

A.D. 1869. office shall be abolished, and he may be awarded the same compensation as if his office had been abolished by The Bankruptcy Act, 1869.

Salary of
provisional
assignee.

13. The person who is at the commencement of this Act the provisional and official assignee shall as long as he remains in office receive the same salary as at the commencement of this Act. 5

Salaries of
clerks and
officers of
court.

14. The clerks and persons (other than the provisional and official assignee) who under this Act discharge duties connected with the late Insolvent Debtors Court shall as long as they discharge such duties continue to receive the same salaries as at the commencement of this Act. 10

Saving for
right to
superannua-
tion allow-
ance, &c.

15. Nothing in The Bankruptcy Act, 1869, or this Act shall deprive any person holding at the commencement of this Act any office or place in the late Insolvent Debtors Court of any benefit to which at or after the commencement of this Act he is or may become entitled by virtue of any Act relating to superannuation 15 allowances; and the service of any such person in the Court of Bankruptcy in London shall, in relation to superannuation allowance, retiring pension, and compensation annuity on abolition of office, be equivalent to service in the late Insolvent Debtors Court; and nothing in this part of this Act shall prevent any 20 person from being deemed an officer of the Court of Bankruptcy who would have been deemed such if this part of this Act had not been enacted.

Winding up
of insolvency
business.

16. For the purpose of winding up and terminating as quickly as possible all matters at the commencement of this Act pending 25 in the late Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the judges of the courts in which the same are pending shall from time to time order the provisional and official assignee of the estates and effects of insolvent debtors, or the person for the time being appointed to perform the 30 remaining duties of that office, to institute and carry on such proceedings, either at law or in equity, as the judges direct for compelling creditors, assignees, and others to account for and pay to the receiver of the late Insolvent Debtors Court assets belonging to the estates of insolvent debtors, and those judges shall have for that 35 purpose all such powers and authorities (but subject to the appeal provided by this part of this Act) as were vested in the late Insolvent Debtors Court in cases where the court was dissatisfied with the account of an assignee.

1 & 2 Vict.
c. 110. s. 63.

Termination
of insolvency
cases.

17. For the purpose of winding up and terminating all matters 40 which at the commencement of this Act may be pending in the late

Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the following provisions shall have effect, namely: A.D. 1869.

- 5 (1.) Every insolvency shall at the expiration of twelve months from the commencement of this Act or at the expiration of *twenty* years from the date of the filing of the petition (whichever first happens) be closed :
- 10 (2.) Before the expiration of the said twelve months or twenty years, as the case may be, any assignee, creditor, or other person interested in an insolvency may apply in the prescribed manner to the court in which it is pending to have the close of such insolvency postponed, and the judge of such court, on sufficient cause being shown for the postponement, may, subject to the rules of court, postpone such close for such period and on such terms and conditions (if any) as he thinks just :
- 15 (3.) If the close is postponed the same proceedings may be had before the expiration of the period of postponement as is provided by this section before the expiration of the said twenty years :
- 20 (4.) If sufficient cause for postponement is not shown before the expiration of the said twelve months, or twenty years, or the period of postponement (as the case may be) or of such further period as may, subject to the rules of court, be allowed for an application by the court in which the case is pending, the insolvency shall at the expiration of the said times be ipso facto closed, and thereupon the insolvent or the heirs, devisees, or personal representatives of the insolvent (if he is dead) shall be in the same position and have the same rights in all respects as if the insolvent had been bankrupt, and had at the date of the closing obtained his discharge under The Bankruptcy Act, 1869 :
- 25 (5.) The term insolvency in this section includes any proceeding taken to obtain protection under the Act of the session of the fifth and sixth years of Her Majesty's reign, chapter one hundred and sixteen.
- 30
- 35

18. The powers and authorities originally conferred by this part of this Act on the Court of Bankruptcy in London and the county courts shall be deemed to be in addition to and not in abridgment of or substitution for the powers and authorities vested in them under the Acts for the relief of insolvent debtors.

Authorities
to be cumulative.

A.D. 1869.

Account of
Insolvent
Debtors
Court.

19. The sums standing at the commencement of this Act to the credit of The purposes of the twenty-sixth section of The Bankruptcy Act 1861 account, and the balance at the commencement of this Act standing to the credit of insolvents estates in the books of the accountant of the Court of Bankruptcy on the account intituled the 5 general account of bankrupts estates, shall on the commencement of this Act be carried to an account to be intituled The account of the late Insolvent Debtors Court, and so much of the cash and securities left standing in the name of the said accountant-general under the provisions of any Act passed in the present session respecting 10 the funds of the Court of Bankruptcy as represents part of the sums standing to the above credits shall be transferred into the name of the receiver of the late Insolvent Debtors Court to the account of the late Insolvent Debtors Court.

Application
of Insolvent
Debtors
Court ac-
count.

20. The sums for the time being standing to the account of the 15 late Insolvent Debtors Court shall be subject to the orders of the Court of Bankruptcy in London for payment of any dividend, or distribution of any money, in the matter to which any part thereof originally belonged, and for payment of any money paid into the late Insolvent Debtors Court and appearing to be unaccounted for 20 or not duly appropriated, and for indemnifying every existing and past provisional and official assignee, and every person appointed to perform the remaining duties of the office of provisional and official assignee, and their respective estates, against costs and expenses incurred or to be incurred in any action, suit, or 25 proceeding.

Protection
of officers
of Insolvent
Debtors
Court.

21. The provisions contained in The Bankruptcy Act, 1861, for the protection of persons acting in execution of that Act, shall extend and apply to all persons having before the commencement of this Act been and from time to time being officers of or clerks 30 or persons discharging duties connected with the late Insolvent Debtors Court, and shall have effect in relation to all acts or things done or omitted by such officers, clerks, or persons before or after the commencement of this Act.

Forfeiture
of dividends
after six
years non-
claim.
8 & 9 Vict.
c. 127. s. 20.

22. All dividends declared in any court acting under the Acts 35 relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividend if declared after the commencement of this Act, and all undivided surpluses of estates administered 40 under the jurisdiction of such court which remain undivided for

five years after the declaration of a final dividend in the case of bankruptcy, or for five years after the close of an insolvency under this Act, shall be deemed forfeited to the Crown, and shall be disposed of as the Commissioners of Her Majesty's Treasury direct; provided
 5 that at any time after such forfeiture the Lord Chancellor may, if he thinks fit, by reason of the disability or absence beyond seas of the person entitled to the sum forfeited, or for any other reason appearing to him sufficient, direct that the forfeiture be remitted, and the same shall be remitted accordingly, *and the sum forfeited*
 10 *shall be repaid out of moneys provided by Parliament, and shall be distributed as it would have been if there had been no forfeiture.*

A.D. 1889.

PART II.

Repeal.

23. The enactments described in the schedule to this Act are
 15 hereby repealed; but this repeal shall not affect the past operation of any such enactment, or revive any court, office, jurisdiction, authority, or thing abolished by any such enactment, or affect the force or operation of any Order in Council made, or letters patent issued, or the operation or enjoyment of any appointment, office,
 20 rank, precedence, salary, pension, retiring or superannuation allowance, compensation, or salary for life, made, granted, given, or held, or any restriction or condition imposed on anyone enjoying the same, or the validity or invalidity of anything done or suffered before the commencement of this Act, or any right, title, obliga-
 25 tion, or liability accrued or to accrue before or after the commencement of this Act, by or under any such enactment, or any enactment repealed by any such enactment; nor shall this repeal interfere with the prosecution or affect the course of any proceeding under or in relation to any adjudication of bankruptcy
 30 made, or petition for protection or discharge from custody presented, or resolution passed, or deed registered, or order made, or proceeding taken or thing done, under any such enactment before the commencement of this Act, or affect any of the incidents or consequences of any such adjudication, petition, resolution, deed,
 35 order, proceeding, or thing, or the jurisdiction or authority of any court or officer in relation thereto; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any enactment hereby repealed.

Repeal of
enactments
in schedule.

A.D. 1869.

SCHEDULE.*Enactments repealed.*

4 Will. & Mar. c. 4.	An Act for taking special bails in the country upon actions and suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Westminster.	5
12 Geo. 1. c. 29. in part.	An Act to prevent frivolous and vexatious arrests.	in part: namely,— Sections one and two.
19 Geo. 3. c. 70. in part.	An Act for extending the provisions of an Act made in the twelfth year of the reign of King George the First, intituled an Act to prevent frivolous and vexatious arrests; and for other purposes.	
34 Geo. 3. c. 46.	An Act for taking of special bail in actions and suits depending in the Court of Common Pleas of the County Palatine of Lancaster.	10
43 Geo. 3. c. 46. in part.	An Act for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorize the levying of poundage upon executions in certain cases.	in part: namely,— Sections one, two, three, and six, so far as they relate to England.
48 Geo. 3. c. 123.	An Act for the discharge of debtors in execution for small debts from imprisonment in certain cases.	
52 Geo. 3. c. 144.	An Act to suspend and finally vacate the seats of members of the House of Commons, who shall become bankrupts, and who shall not pay their debts in full within a limited time.	in part: namely,— So far as it relates to a person adjudged bankrupt in England.
1 & 2 Geo. 4. c. 115.	An Act to repeal so much of an Act of the fifth year of the reign of His late Majesty King George the Second, relating to bankrupts, as requires the meetings under commissions of bankrupt to be holden in the Guildhall of the city of London, and for building offices in the said city for the meetings of the commissioners, and for the more regular transaction of business in bankruptcy.	
7 & 8 Geo. 4. c. 71. in part.	An Act to prevent arrests upon mesne process where the debt or cause of action is under twenty pounds, and to regulate the practice of arrests.	40
11 Geo. 4. & 1 Will. 4. c. 70. in part.	An Act for the more effectual administration of justice in England and Wales.	in part: namely,— Sections twelve, twenty-one, and twenty-two.
1 & 2 Will. 4. c. 56.	An Act to establish a court in bankruptcy.	
2 & 3 Will. 4. c. 39.	An Act for uniformity of process in personal actions in His Majesty's courts of law at Westminster.	50

A.D. 1869.

2 & 3 Will. 4. c. 114.	An Act to amend the laws relating to bankrupts.	
3 & 4 Will. 4. c. 84. in part.	An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished.	} in part: namely,— Section nine.
5		
5 & 6 Will. 4. c. 29.	An Act for investing in Government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the subdivision courts.	
10		
6 & 7 Will. 4. c. 27.	An Act for investing in Government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
15		
1 & 2 Vict. c. 45. in part.	An Act to extend the jurisdiction of the judges of the Superior Courts of Common Law, to amend chapter fifty-six of the first year of Her present Majesty's reign, for regulating the admission of attornies, and to provide for the taking of special bail in the absence of the judges.	} in part: namely,— Sections four and five.
20		
25		
1 & 2 Vict. c. 110. in part.	An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	} in part: namely,— Sections one to eleven, both inclusive. So much of section eighteen as relates to orders of the Lord Chancellor or of the Court of Review in matters of bankruptcy, and sections twenty-three to one hundred and twenty-three, both inclusive.
30		
35		
2 & 3 Vict. c. 39.	An Act to amend an Act passed in the last session of Parliament for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	
40		
5 & 6 Vict. c. 122.	An Act for the amendment of the law of bankruptcy.	
7 & 8 Vict. c. 70.	An Act for facilitating arrangements between debtors and creditors.	
45		
7 & 8 Vict. c. 96. in part.	An Act to amend the law of insolvency, bankruptcy, and execution.	} in part: namely,— Sections one to fifty-nine, both inclusive. } in part: namely,— So much of sections one, three, six, and eighteen as relates to the Court of Bankruptcy, or a commissioner thereof; section two from "and no protection" to end of section; so much of section seven as relates to bankruptcy or insolvency or to statutes relating to bankrupts or insolvent debtors; and section fifteen.
50		
55		
8 & 9 Vict. c. 127. in part.	An Act for the better securing the payment of small debts.	
60		

A.D. 1869.

10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make alterations in the jurisdictions of the Courts of Bankruptcy and court for relief of insolvent debtors.	
12 & 13 Vict. c. 106.	The Bankrupt Law Consolidation Act, 1849.	
14 & 15 Vict. c. 52.	An Act to facilitate the more speedy arrest of absconding debtors.	5
14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery, and in the judicial committee of the Privy Council.	10
15 & 16 Vict. c. 77.	An Act to abolish the office of Lord Chancellor's secretary of bankrupts, and to regulate the office of chief registrar of the Court of Bankruptcy.	
16 & 17 Vict. c. 81.	An Act to reduce the salary and emoluments of the registrar of meetings of the Court of Bankruptcy.	15
17 & 18 Vict. c. 119.	The Bankruptcy Act, 1854.	
18 & 19 Vict. c. 15. in part.	An Act for the better protection of purchasers against judgments, crown debts, cases of <i>lis pendens</i> , and life annuities or rent-charges.	20
23 & 24 Vict. c. 147.	An Act to amend the seventh and eighth Victoria, chapter seventy.	25
24 & 25 Vict. c. 134.	The Bankruptcy Act, 1861.	
25 & 26 Vict. c. 99.	An Act to amend the Bankruptcy Act, 1861.	
31 & 32 Vict. c. 68.	An Act to facilitate liquidation in certain cases of bankruptcy, arrangement, and winding-up.	
31 & 32 Vict. c. 104.	An Act to amend the Bankruptcy Act, 1861.	30

Insolvent Debtors and Bankruptcy Repeal.

A

B I L L

To provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal Enactments relating to Bankruptcy, and matters connected therewith.

*(Prepared and brought in by
Mr. Attorney General and Mr. Solicitor General.)*

*Ordered, by The House of Commons, to be Printed,
28 May 1869.*

[Bill 134.]

Under 2 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the winding-up of the business of the late Court A.D. 1869.
for the Relief of Insolvent Debtors in England, and to
repeal Enactments relating to Insolvency, Bankruptcy,
Imprisonment for Debt, and matters connected therewith.

WHEREAS it is expedient to provide for the winding-up of the
business of the late court for the relief of insolvent debtors in
England :

- And whereas the enactments described in the schedule to this
5 Act relate to insolvency or bankruptcy, or imprisonment for debt,
or to matters connected therewith, and the same either have ceased
to be in force, or on the commencement of divers Acts of the present
session will cease to be in force, and it is therefore expedient that
the same be expressly repealed :
- 10 Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

Preliminary.

- 15 1. This Act may be cited as The Bankruptcy Repeal and Insol- Short title.
vent Court Act, 1869.
2. This Act shall not come into operation until the day on which Commence-
The Bankruptcy Act, 1869, comes into operation, which day is ment of Act.
herein-after referred to as the commencement of this Act.

20

PART I.

Temporary Provisions respecting Insolvent Debtors.

3. Words and expressions defined or explained in The Bank- Construction
ruptcy Act, 1869, shall have the same meaning in this part of of part of
this Act. Act.

[Bill 180.]

A

A.D. 1869.

—
Jurisdiction
of Insolvent
Debtors
Court and
of county
courts.

4. The Court of Bankruptcy in London shall have all the jurisdiction, powers, and authorities possessed at the commencement of The Bankruptcy Act, 1861, by the late court for the relief of insolvent debtors in England (in this part of this Act called the late Insolvent Debtors Court), in relation to all matters then 5 pending in that court, and not completed at the commencement of this Act, and all matters at the commencement of this Act pending in that court or in the county courts under the Acts for the relief of insolvent debtors shall (subject to the express provisions of this part of this Act) be continued and completed therein as if this Act 10 had not been passed.

Appeal in
cases of in-
solvency.

5. Where any judge exercises any jurisdiction under this part of this Act there shall be the same right of appeal from any order made by him as is allowed by The Bankruptcy Act, 1869, in case of orders made by him in exercising jurisdiction under that Act. 15

General
rules to be
made by
court.

6. Rules of court may be made in manner provided by The Bankruptcy Act, 1869, for the effectual execution of this part of this Act and of the objects thereof, and the regulation of the practice and procedure in proceedings thereunder, and the provisions of The Bankruptcy Act, 1869, with respect to the making of 20 rules of court shall apply accordingly.

Until rules have been made in pursuance of this section, and, so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be 25 observed.

Delegation
of authority
by court.

7. The judge of any court exercising jurisdiction under this part of this Act may delegate to the registrar or to any other officer of his court, such of the powers vested in him under this part of this Act as are allowed by the rules of court to be so delegated. 30

Saving for
liability
under insol-
vent debtors
Acts.

8. Where a bankrupt has before adjudication of bankruptcy taken the benefit of any Act for the relief of insolvent debtors, nothing in The Bankruptcy Act, 1869, shall interfere with the operation of the Act of which he so took the benefit, in respect of the liability of property acquired after his discharge under that Act, 35 if and so far as any such liability would have existed if The Bankruptcy Act, 1869, had not been passed.

Provision
for duties of
provisional
assignee.

9. The person at the passing of this Act holding the office of provisional and official assignee of the estates and effects of insolvent debtors shall be deemed to have been duly 40 appointed, and shall (subject to the provisions of this Act) continue, on the same terms on which he then holds that

A.D. 1869.

office, to perform the duties imposed on him by or under The Bankruptcy Act, 1861, or any other Act. If a vacancy occurs in that office at any time after the passing of this Act, the Lord Chancellor may appoint a fit person to perform the remaining
 5 duties thereof, who shall receive such remuneration as the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs, and the person so appointed shall have all the powers and authorities of the person who is at the passing of this Act the provisional and official
 10 assignee; and all estates, rights, and effects vested at the time of the vacancy in the provisional and official assignee shall, by virtue of such appointment, become vested in the person so appointed, and the like appointment on a vacancy shall be made and the like vesting shall have effect from time to time as occasion requires.

15 **10.** The provisional and official assignee of the estates and effects of insolvent debtors and the person for the time being appointed to perform the remaining duties of that office shall also be styled the Receiver of the late Insolvent Debtors Court, and as such he shall act in such manner in relation to the receipt and
 20 custody of money paid to him or into court in respect of the estates of insolvent debtors, and to the payment thereof out of court, and give such security, as may be from time to time prescribed by the rules of court.

Receiver of
 Insolvent
 Debtors
 Court.

The accounts of the provisional and official assignee and receiver
 25 shall be audited by such person and in such manner and at such times as may be prescribed by the rules of court.

11. The taxing master, clerks, and persons (other than the provisional and official assignee) at the commencement of this Act discharging duties connected with the late Insolvent Debtors Court
 30 shall continue to discharge the same duties as at the commencement of this Act; and every such clerk and person appointed before the commencement of The Bankruptcy Act, 1861, shall hold his appointment during good behaviour, but may be removed by the Lord Chancellor, by order, for some sufficient reason therein stated.
 35 If a vacancy happens in the place of any clerk or person to whom this section relates, the Lord Chancellor may, if he thinks fit, with the concurrence of the Commissioners of Her Majesty's Treasury, employ a fit person to discharge the duties of that place; and in the event of the duties of any such first-named clerk or person ceasing,
 40 he shall, if the Lord Chancellor thinks fit, be appointed to discharge similar duties in the Court of Bankruptcy in London in case his services are required in that behalf, and if not so appointed his

Clerks and
 officers of
 Insolvent
 Debtors
 Court.
 1861, s. 22.

A.D. 1869. office shall be abolished, and he shall be awarded the same compensation as if his office had been abolished by The Bankruptcy Act, 1869.

Salary of provisional assignee.

12. The person who is at the passing of this Act the provisional and official assignee, shall as long as he remains in office receive the same salary as at the commencement of this Act. 5

Salaries of clerks and officers of court.

13. The clerks and persons (other than the provisional and official assignee) who under this Act discharge duties connected with the late Insolvent Debtors Court shall as long as they discharge such duties continue to receive the same salaries as at the commencement of this Act. 10

Saving for right to superannuation allowance, &c.

14. Nothing in The Bankruptcy Act, 1869, or this Act shall deprive any person holding at the commencement of this Act any office or place in the late Insolvent Debtors Court of any benefit to which at or after the commencement of this Act he is or may become entitled by virtue of any Act relating to superannuation 15 allowances; and the service of any such person in the Court of Bankruptcy in London shall, in relation to superannuation allowance, retiring pension, and compensation annuity on abolition of office, be equivalent to service in the late Insolvent Debtors Court; and nothing in this part of this Act shall prevent any 20 person from being deemed an officer of the Court of Bankruptcy who would have been deemed such if this part of this Act had not been enacted.

Winding up of insolvency business.

15. For the purpose of winding up and terminating as quickly as possible all matters at the commencement of this Act pending 25 in the late Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the judges of the courts in which the same are pending shall from time to time order the provisional and official assignee of the estates and effects of insolvent debtors, or the person for the time being appointed to perform the 30 remaining duties of that office, to institute and carry on such proceedings, either at law or in equity, as the judges direct for compelling creditors, assignees, and others to account for and pay to the receiver of the late Insolvent Debtors Court assets belonging to the estates of insolvent debtors, and those judges shall have for that 35 purpose all such powers and authorities (but subject to the appeal provided by this part of this Act) as were vested in the late Insolvent Debtors Court in cases where the court was dissatisfied with the account of an assignee.

1 & 2 Vict. c. 110, s. 63.

Termination of insolvency cases.

16. For the purpose of winding up and terminating all matters 40 which at the commencement of this Act may be pending in the late

Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the following provisions shall have effect, namely :

A.D. 1869.

- 5 (1.) Every insolvency shall at the expiration of twelve months from the commencement of this Act or at the expiration of *twenty* years from the date of the filing of the petition (whichever last happens) be closed :
- 10 (2.) Before the expiration of the said twelve months or twenty years, as the case may be, any assignee, creditor, or other person interested in an insolvency may apply in the prescribed manner to the court in which it is pending to have the close of such insolvency postponed, and the judge of such court, on sufficient cause being shown for the postponement, may, subject to the rules of court, postpone such close for such period and on such terms and conditions (if any) as he thinks just :
- 15 (3.) If the close is postponed the same proceedings may be had before the expiration of the period of postponement as is provided by this section before the expiration of the said twenty years :
- 20 (4.) If sufficient cause for postponement is not shown before the expiration of the said twelve months, or twenty years, or the period of postponement (as the case may be) or of such further period as may, subject to the rules of court, be allowed for an application by the court in which the case is pending, the insolvency shall at the expiration of the said times be ipso facto closed, and thereupon the insolvent or the heirs, devisees, or personal representatives of the insolvent (if he is dead) shall be in the same position and have the same rights in all respects as if the insolvent had been bankrupt, and had at the date of the closing obtained his discharge under The Bankruptcy Act, 1869 :
- 25 (5.) The term insolvency in this section includes any proceeding taken to obtain protection under the Act of the session of the fifth and sixth years of Her Majesty's reign, chapter one hundred and sixteen.
- 30
- 35

17. The powers and authorities originally conferred by this part of this Act on the Court of Bankruptcy in London and the county courts shall be deemed to be in addition to and not in abridgment of or substitution for the powers and authorities vested in them under the Acts for the relief of insolvent debtors.

Authorities to be cumulative.

A.D. 1869.

Account of
Insolvent
Debtors
Court.

18. The Receiver of the Insolvent Debtors Court shall keep an account to be intituled "The account of the late Insolvent Debtors " Court," and there shall be transferred to that account the account kept at the passing of this Act by the Accountant in Bankruptcy, intituled The purposes of the twenty-sixth section of The 5 Bankruptcy Act 1861, and so much of the accounts kept by the said accountant, intituled respectively The General Account of Bankrupts Estates, and The Unclaimed Dividend Account as relates to insolvent debtors, and so much of the cash and securities left standing in the name of the said accountant under the provisions of any Act passed 10 in the present session respecting the funds of the Court of Bankruptcy as represents part of the sums standing to the credit of the accounts so transferred shall be transferred into the name of the receiver of the late Insolvent Debtors Court to the account of the late Insolvent Debtors Court, and all the provisions of any such Act 15 relating to the Accountant in Bankruptcy shall extend mutatis mutandis to the receiver of the late Insolvent Debtors Court.

Application
of Insolvent
Debtors
Court ac-
count.

19. The sums for the time being standing to the account of the late Insolvent Debtors Court shall be subject to the orders of the Court of Bankruptcy in London for payment of any dividend, or 20 distribution of any money, in the matter to which any part thereof originally belonged, and for payment of any money paid into the late Insolvent Debtors Court and appearing to be unaccounted for or not duly appropriated, and for indemnifying every existing and past provisional and official assignee, and every person appointed 25 to perform the remaining duties of the office of provisional and official assignee, and their respective estates, against costs and expenses incurred or to be incurred in any action, suit, or proceeding.

Forfeiture
of dividends
after six
years non-
claim.

8 & 9 Vict.
c.127. s. 20.

20. All dividends declared in any court acting under the Acts 30 relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividend if declared after the commence- 35 ment of this Act, and all undivided surpluses of estates administered under the jurisdiction of such court which remain undivided for five years after the declaration of a final dividend in the case of bankruptcy, or for five years after the close of an insolvency under this Act, shall be deemed forfeited to the Crown, and shall be disposed 40 of as the Commissioners of Her Majesty's Treasury direct; provided that at any time after such forfeiture the Lord Chancellor may, if he thinks fit, by reason of the disability or absence beyond seas

of the person entitled to the sum forfeited, or for any other reason appearing to him sufficient, direct that the forfeiture be remitted, and the same shall be remitted accordingly, and the sum forfeited shall be repaid out of moneys provided by Parliament, and shall
5 be distributed as it would have been if there had been no forfeiture.

PART II.

Repeal.

21. The enactments described in the schedule to this Act, or so much thereof as is unrepealed, are hereby repealed; but this
10 repeal shall not affect the past operation of any such enactment, or revive any court, office, jurisdiction, authority, or thing abolished by any such enactment, or affect the force or operation of any Order in Council made, or letters patent issued, or the operation or enjoyment of any appointment, office, rank, precedence, salary,
15 pension, retiring or superannuation allowance, compensation, or salary for life, made, granted, given, or held, or any restriction or condition imposed on anyone enjoying the same, or the validity or invalidity of anything done or suffered before the commencement of this Act, or any right, title, obligation, or liability accrued
20 or to accrue before or after the commencement of this Act, by or under any such enactment, or any enactment repealed by any such enactment, or affect any principle or rule of law or established jurisdiction, form, or course of pleading, practice, or procedure derived from any enactment hereby repealed; nor shall this repeal interfere
25 with the prosecution or affect the course of any proceeding under or in relation to any adjudication of bankruptcy made, or petition for protection or discharge from custody presented, or resolution passed, or deed registered, or order made, or proceeding taken or thing done, under any such enactment before
30 the commencement of this Act, or affect any of the incidents or consequences of any such adjudication, petition, resolution, deed, order, proceeding, or thing, or the jurisdiction or authority of any court or officer in relation thereto; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of
35 any offence committed against, or any penalty or forfeiture incurred under, any enactment hereby repealed.

Repeal of
enactments
in schedule.

A.D. 1869.

SCHEDULE.

Enactments repealed.

13 Edw. 1. (Stat. West. 2.) c. 11.	The masters remedy against their servants and other accompants.	
25 Edw. 3. Stat. 5. c. 17.	Process of exigent in debt, detinue, and replevin.	5
4 Will. & Mar. c. 4.	An Act for taking special bails in the country upon actions and suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Westminster.	
12 Geo. 1. c. 29. in part.	An Act to prevent frivolous and vexatious arrests.	10
19 Geo. 3. c. 70. in part.	An Act for extending the provisions of an Act made in the twelfth year of the reign of King George the First, intituled an Act to prevent frivolous and vexatious arrests; and for other purposes.	
34 Geo. 3. c. 46.	An Act for taking of special bail in actions and suits depending in the Court of Common Pleas of the County Palatine of Lancaster.	20
43 Geo. 3. c. 46. in part.	An Act for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorize the levying of poundage upon executions in certain cases.	25
48 Geo. 3. c. 123.	An Act for the discharge of debtors in execution for small debts from imprisonment in certain cases.	
52 Geo. 3. c. 144.	An Act to suspend and finally vacate the seats of members of the House of Commons, who shall become bankrupts, and who shall not pay their debts in full within a limited time.	30
1 & 2 Geo. 4. c. 115.	An Act to repeal so much of an Act of the fifth year of the reign of His late Majesty King George the Second, relating to bankrupts, as requires the meetings under commissions of bankrupt to be holden in the Guildhall of the city of London, and for building offices in the said city for the meetings of the commissioners, and for the more regular transaction of business in bankruptcy.	40
7 & 8 Geo. 4. c. 71. in part.	An Act to prevent arrests upon mesne process where the debt or cause of action is under twenty pounds, and to regulate the practice of arrests.	45
		50

A.D. 1869.

11 Geo. 4. & 1 Will. 4. c. 70.	in part.	An Act for the more effectual administration of justice in England and Wales.	} in part : namely,— Sections twelve, twenty-one, and twenty-two.
1 & 2 Will. 4. c. 56.		An Act to establish a court in bankruptcy.	
5 2 & 3 Will. 4. c. 39.		An Act for uniformity of process in personal actions in His Majesty's courts of law at Westminster.	} in part : namely,— Sections one to ten, both inclusive.
2 & 3 Will. 4. c. 114.		An Act to amend the laws relating to bankrupts.	
10 3 & 4 Will. 4. c. 84.	in part.	An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished.	} in part : namely,— Section nine.
15 5 & 6 Will. 4. c. 29.		An Act for investing in Government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the subdivision courts.	
20 6 & 7 Will. 4. c. 27.		An Act for investing in Government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
25 1 & 2 Vict. c. 45.	in part.	An Act to extend the jurisdiction of the judges of the Superior Courts of Common Law, to amend chapter fifty-six of the first year of Her present Majesty's reign, for regulating the admission of attornies, and to provide for the taking of special bail in the absence of the judges.	} in part : namely,— Sections four and five.
30 1 & 2 Vict. c. 110.	in part.	An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	
35 2 & 3 Vict. c. 39.		An Act to amend an Act passed in the last session of Parliament for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	} in part : namely,— Sections one to eleven, both inclusive. So much of section eighteen as relates to orders of the Lord Chancellor or of the Court of Review in matters of bankruptcy, and sections twenty-three to one hundred and twenty-three, both inclusive.
40 5 & 6 Vict. c. 122.		An Act for the amendment of the law of bankruptcy.	
45 7 & 8 Vict. c. 70.		An Act for facilitating arrangements between debtors and creditors.	
50 7 & 8 Vict. c. 96.	in part.	An Act to amend the law of insolvency, bankruptcy, and execution.	} in part : namely,— Sections one to fifty-nine, both inclusive.
55 8 & 9 Vict. c. 127.	in part.	An Act for the better securing the payment of small debts.	
60 9 & 10 Vict. c. 95.		An Act for the more easy recovery of small debts and demands in England.	} in part : namely,— Sections ninety-eight to one hundred and one, both inclusive.

A.D. 1869.			
—	10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make alterations in the jurisdictions of the Courts of Bankruptcy and court for relief of insolvent debtors.	
	11 & 12 Vict. c. 77.	An Act to authorize the application of part of the unclaimed money in the court for the relief of insolvent debtors in enlarging the court-house of the said court.	5
	12 & 13 Vict. c. 106.	The Bankrupt Law Consolidation Act, 1849.	
	14 & 15 Vict. c. 52.	An Act to facilitate the more speedy arrest of absconding debtors.	
	14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery, and in the judicial committee of the Privy Council.	10
	15 & 16 Vict. c. 77.	An Act to abolish the office of Lord Chancellor's secretary of bankrupts, and to regulate the office of chief registrar of the Court of Bankruptcy.	15
	16 & 17 Vict. c. 81.	An Act to reduce the salary and emoluments of the registrar of meetings of the Court of Bankruptcy.	
	17 & 18 Vict. c. 119.	The Bankruptcy Act, 1854.	20
	18 & 19 Vict. c. 15. in part.	An Act for the better protection of purchasers against judgments, crown debts, cases of <i>lis pendens</i> , and life annuities or rent-charges.	25
	22 & 23 Vict. c. 57.	An Act limiting the power of imprisonment for small debts exercised by the county court judges.	
	23 & 24 Vict. c. 147.	An Act to amend the seventh and eighth Victoria, chapter seventy.	30
	24 & 25 Vict. c. 134.	The Bankruptcy Act, 1861.	
	25 & 26 Vict. c. 99.	An Act to amend the Bankruptcy Act, 1861.	
	31 & 32 Vict. c. 68.	An Act to facilitate liquidation in certain cases of bankruptcy, arrangement, and winding-up.	
	31 & 32 Vict. c. 104.	An Act to amend the Bankruptcy Act, 1861.	35

Insolvent Debtors and Bankruptcy Repeal.

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal Enactments relating to Insolvency, Bankruptcy, and Imprisonment for Debt, and matters connected therewith.

(*Prepared and brought in by
Mr. Attorney General and Mr. Solicitor General.*)

*Ordered, by The House of Commons, to be Printed,
25 June 1869.*

[Bill 180.]

Under 2 oz.

Irish Church Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. Dissolution of legislative union between Churches of England and Ireland.

Constitution and Powers of Commissioners.

3. Appointment of commissioners.
4. Quorum of commissioners.
5. Appointment of officers.
6. Salaries and expenses.
7. Powers of commissioners.
8. Forms of application, and general rules.
9. Duration of office, and restriction on sitting in Parliament.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

10. Prohibition of future appointments.
11. Property of Ecclesiastical Commissioners vested in commissioners under Act.
12. Church property vested in commissioners under Act.
13. Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords.

Compensation to Persons deprived of Income.

14. Compensation to ecclesiastical persons other than curates.
15. Compensation to curates.

[Bill 27.]

A

Clause.

16. Compensation to diocesan schoolmasters, clerks, and sextons.
17. Compensation to organists, vergers, and others.
18. Compensation to lay patrons.

Powers of Church after passing of Act.

19. Repeal of laws prohibiting holding of synods, &c.
20. Existing law to subsist by contract.
21. Abolition of ecclesiastical courts and ecclesiastical law.
22. Incorporation of church body.

Dealings between Commissioners and representative Church Body.

23. Redemption of annuities and life interest of ecclesiastical persons.
24. Building charge to be paid on commutation of annuity.
25. Enactments with respect to churches.
26. Enactments with respect to burial grounds.
27. Enactments with respect to ecclesiastical residences.
28. Power to convey additional land to church body.
29. Enactments with respect to private endowments.
30. Enactments with respect to mixed endowments.

Management of Property by Commissioners.

31. Limitation of right to purchase fee simple in consideration of perpetual rent.
32. Sale of tithe rentcharge to owners of land.
33. Power of commissioners to sell their property.
34. Payment of money into bank.
35. Accounts by commissioners.

Regium Donum and College of Maynooth.

36. Compensation to nonconforming ministers.
37. Compensation in respect of salaries of professors and college buildings at Belfast.
38. Commutation of annuities of nonconformist ministers and professors at Belfast.
39. Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums.
40. Remission of debt to trustees of Maynooth.

Appeal.

Clause.

41. Regulations as to appeal.

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

42. Possession to be given up of 24, Upper Merrion Street.
43. Compensation to Ecclesiastical Commissioners and their officers.
44. Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January 1870.

Delivery up of Documents.

45. Delivery up of books by registrars.

Dealings with Property.

46. Commissioners not to expend monies in building.
47. Commissioners not to expend monies in repairs.
48. Payment of building charge.
49. Regulations as to payment of annuity.
50. Power of commissioners to accept mortgages as security for a portion of purchase money.
51. Power to pay by instalments.
52. Sales of lands, &c. may be made in Landed Estates Court.
53. Saving claim of arrears of rent, &c.
54. Provision for other persons under disability.
55. Provision as to incapacitated owners.
56. Power for officers of commissioners to enter upon land.

Temporary Provisions.

57. Rules as to arbitration.
58. Regulation as to vacancies.

Surplus.

59. Ultimate trust of surplus.

Saving Clauses.

Clause.

60. Provision as to Acts relating to United Church of England and Ireland.
61. Saving rights as to proprietary chapels and chapels of ease.
62. Saving of Act of 39 & 40 G. 3. c. 67.

Construction of Act.

63. Interpretation.
-

A
B I L L

TO

Put an end to the Establishment of the Church of Ireland, and
to make Provision in respect of the Temporalities thereof,
and in respect of the Royal College of Maynooth. A.D. 1869.

WHEREAS it is expedient that the union created by Act of Preamble.
Parliament between the Churches of England and Ireland,
as by law established, should be dissolved, and that the Church of
Ireland, as so separated, should cease to be established by law,
5 and that after satisfying, so far as possible, upon principles of
equality as between the several religious denominations in Ireland,
all just and equitable claims, the property of the said Church of
Ireland, or the proceeds thereof, should be held and applied for the
advantage of the Irish people, but not for the maintenance of any
10 church or clergy or other ministry, nor for the teaching of religion :

And it is further expedient that the said property, or the proceeds
thereof, should be appropriated mainly to the relief of unavoidable
calamity and suffering, yet so as not to cancel or impair the obliga-
tions now attached to property under the Acts for the relief of the
15 poor :

And whereas Her Majesty has been graciously pleased to signify
that she has placed at the disposal of Parliament her interest in the
temporalities of the several archbishoprics, bishoprics, benefices,
cathedral preferments, and other ecclesiastical dignities and offices
20 in Ireland, and in the custody of the same respectively :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

25 1. This Act may be cited for all purposes as "The Irish Church Short title.
Act, 1869."

2. On and after the *first day of January one thousand eight* Dissolution
hundred and seventy-one, the said union created by Act of Parlia- of legislative
ment between the Churches of England and Ireland shall be union be-
tween
Churches of

[Bill 27.]

A 3

A.D. 1869. dissolved, and the said Church of Ireland, herein-after referred to as
 England and Ireland. “the said church” shall cease to be established by law.

Constitution and Powers of Commissioners.

Appoint-
 ment of
 commis-
 sioners.

3. The following persons, that is to say, A, B, and C, shall be constituted commissioners under this Act: they shall hold office 5 during Her Majesty’s pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by warrant under the royal sign manual, appoint some other fit person to fill the vacancy. The commissioners appointed under this Act shall be a body corporate with a common 10 seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled “The Commissioners of Church Temporalities in Ireland.”

Judicial notice shall be taken by all courts of justice of the corporate seal of the commissioners, and any order or other instru- 15 ment purporting to be sealed therewith shall be received as evidence without further proof.

Quorum of
 commis-
 sioners.

4. Any power or act by this Act vested in or authorized to be done by the commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any 20 order of one commissioner may require his case to be heard by two commissioners at least.

Appoint-
 ment of
 officers.

5. The said commissioners, herein-after referred to as “the commissioners,” may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and such agents, clerks, 25 messengers, and officers as they deem necessary for the purposes of this Act.

They may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act. 30

Salaries and
 expenses.

6. The following sums shall be paid by the commissioners out of any monies for the time being in their hands in pursuance of this Act:

- (1.) To every commissioner appointed in pursuance of this Act a salary of pounds a year: 35
- (2.) To the secretary, agents, clerks, messengers, and officers appointed, such salaries as the commissioners may recommend, with the sanction of the Lord Lieutenant and as the Commissioners of Her Majesty’s Treasury may approve:

(3.) To any architect, actuary, surveyor, or other person as
aforesaid employed by the commissioners, such remunera-
tion, on a scale to be approved by the Commissioners of
the Treasury, as the commissioners may think expedient :

A.D. 1869.

5 (4.) All incidental expenses of carrying this Act into execution.

7. Subject to such appeal as is herein-after mentioned, the com-
missioners shall have full power to decide all questions whatsoever,
whether of law or fact, which they may deem it expedient or necessary
to decide for the purposes of this Act, and they shall not be subject
10 to be restrained in the execution of their powers under this Act by
the order of any court, nor shall any proceedings before them be
removed by certiorari into any court.

Powers of
commis-
sioners.

The commissioners with respect to the following matters, that is
to say,

15 (1.) Enforcing the attendance of witnesses, after a tender of their
expenses, the examination of witnesses orally or by
affidavit, and the production of deeds, books, papers, and
documents :

(2.) Issuing any commission for the examination of witnesses :

20 (3.) Punishing persons refusing to give evidence or to produce
documents, or guilty of contempt :

(4.) Making or enforcing any order whatever made by them for
the purpose of carrying into effect the objects of this Act,
shall have all such powers, rights, and privileges as are vested
25 in the High Court of Chancery in Ireland for such or the like
purposes, and all proceedings before the commissioners shall in law
be deemed to be judicial proceedings before a court of record.

The commissioners may review and rescind or vary any order or
decision previously made by them or any of them ; but save as afore-
30 said, and as herein-after provided, every order or decision of the
said commissioners shall be final.

8. The commissioners shall circulate forms of application and
directions as to the mode in which applications are to be made to
them under this Act.

Forms of
application,
and general
rules.

35 They shall also from time to time make, and when made may
rescind, amend, or add to, such general rules as they may think best
adapted for regulating the course of procedure under this Act, and
generally for securing the due execution of the powers vested in
them by this Act, and giving effect to the provisions.

40 Such general rules shall be enrolled in the High Court of
Chancery in Ireland within one month after the making of the
same.

A.D. 1869.

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

5

Duration of office, and restriction on sitting in Parliament.

9. No commissioner and no person appointed to any office by the commissioners shall hold his office for a longer period than *ten years* next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of being 10 elected to or sitting as a member of the House of Commons.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

Prohibition of future appointments.

10. Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty or any other 15 person or corporation to any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church.

Property of Ecclesiastical Commissioners vested in commissioners under Act.

11. From and after the *passing of this Act* all property, real and personal, at the date of such passing vested in or belonging to the Ecclesiastical Commissioners for Ireland, is transferred to and 20 vested in the commissioners appointed under this Act, subject to all tenancies, charges, incumbrances, rights, or liabilities affecting the same, and the corporation of the Ecclesiastical Commissioners for Ireland is hereby dissolved.

Church property vested in commissioners under Act.

12. On the *first of January one thousand eight hundred and* 25 *seventy-one* all property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, or belonging or in anywise appertaining to or appropriated to the use of any person holding any such arch- 30 bishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any cathedral corporation in Ireland, as defined by this Act, shall vest in the commissioners, subject as herein-after mentioned; that is to say,

35

- (1.) In case of all such property, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:
- (2.) In the case of any houses, buildings, farms, lands, churches, burial grounds, or other corporeal hereditaments to which, 40

or to the rent and profits of which, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid, subject to the life interests of such archbishop, bishop, or person respectively. A.D. 1869.

- 5 13. On the said *first of January one thousand eight hundred and seventy-one* every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland, as defined by this Act, shall be dissolved, and on and after that day no archbishop or bishop of the said Church shall be summoned to
 10 or be qualified to sit in the House of Lords.

Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords.

Compensation to Persons deprived of Income.

14. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice,
 15 or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes, salaries of permanent curates employed as herein-after mentioned, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law; and the commissioners shall, as from
 20 the *first day of January one thousand eight hundred and seventy-one*, pay each year to every such holder so long as he lives, and continues to discharge the duties of his said archbishopric, bishopric, benefice, or preferment, an annuity equal to the amount of yearly income so ascertained as aforesaid.
- 25 A deduction shall be made under this section in respect of the salary of a permanent curate, where such curate has been or is serving as a curate on any day between the *first day of January one thousand eight hundred and sixty-nine* and the *first day of January one thousand eight hundred and seventy-one*, both days inclusive.
- 30 The commissioners shall determine the cases in which a curate is to be deemed a permanent curate, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving.

Compensation to ecclesiastical persons other than curates.

15. The commissioners shall, as soon as may be after the passing
 35 of this Act, ascertain and declare by order, the amount of yearly income received by any permanent curate who has been or is serving as such curate on any day between the said *first day of January one thousand eight hundred and sixty-nine* and the *first day of January one thousand eight hundred and seventy-one*, both days inclusive,
 40 and shall pay to every such curate during his life an annuity equal

Compensation to curates.

A.D. 1869. — to the amount of yearly income so ascertained as aforesaid, subject to the proviso that the annuity of such curate shall cease if, owing to his misconduct, or by his own free choice, he quit the curacy in respect of which the annuity is given to him.

The commissioners may make to any curate who is not entitled 5 to compensation as a permanent curate, and who is serving as a curate on any day between the said *first day of January one thousand eight hundred and sixty-nine* and the said *first day of January one thousand eight hundred and seventy-one* both inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount 10 thereof do not exceed *two hundred pounds*.

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued, the commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after 15 making such deductions as aforesaid, and the commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge the duties of his said benefice, an annuity equal to the amount of yearly income so ascertained as aforesaid. 20

Compensation to diocesan schoolmasters, clerks, and sextons.

16. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars:

(1.) The amount of yearly salary which each schoolmaster of any diocesan school in Ireland is entitled to receive from any 25 incumbent or incumbents in respect of his or their benefice or benefices:

(2.) The amount of yearly salary which each clerk and sexton respectively of any parish, chapelry, and chapel of ease in Ireland is entitled to receive: 30

and the commissioners shall every year, after the *first of January one thousand eight hundred and seventy-one*, pay to each such diocesan schoolmaster, clerk, and sexton respectively, so long as he lives and continues to perform the duties of his office in the same school, church, or chapel, an annuity equal to the amount of his yearly 35 salary so ascertained as aforesaid.

Compensation to organists, vergers, and others.

17. The commissioners shall pay to any organist, verger, or other person holding a like appointment in, or connected with, any church or chapel in the said Church, and who has held such office for two years before the *first day of January one thousand eight 40 hundred and seventy-one*, and is holding the same on the said

day, such sum by way of gratuity, not exceeding one year's salary, as they think fit. A.D. 1869.

18. The commissioners shall, as soon as may be after the passing of this Act, ascertain, and, by order, declare the amount of compensation which ought to be paid to any person or body corporate for or in respect of any advowson, right of presentation or nomination to any benefice or cathedral preferment, vested in or belonging to such person or body corporate, and affected by the provisions of this Act; and shall by and out of any monies for the time being in their hands pay to such person or body corporate the amount of such compensation so ascertained and declared as aforesaid. But Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or persons acting in a public capacity, be entitled to compensation for or in respect of any advowson, right of presentation, or nomination to any benefice or cathedral preferment vested in or belonging to Her Majesty, or such corporation, trustees, officers, or persons.

Compensation to lay patrons.

Powers of Church after passing of Act.

19. From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom whereby the archbishops, bishops, clergy, or laity of the said Church are prohibited from holding assemblies, synods, or conventions, or electing representatives thereto, for the purpose of making rules for the well-being and ordering of the said Church.

Repeal of laws prohibiting holding of synods, &c.

20. Subject to any alteration which may be made after the said first day of January one thousand eight hundred and seventy-one by the members for the time being of the said Church or their representatives, the present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, shall be deemed to be binding on the members for the time being thereof to the same extent and in the same manner in all respects as if such persons had mutually contracted and agreed to abide by and observe the same, and shall be enforced in the temporal courts accordingly; but nothing herein contained shall be construed to confer on any archbishop, bishop, or other ecclesiastical person any coercive jurisdiction whatsoever.

Existing law to subsist by contract.

21. On and after the first day of January one thousand eight hundred and seventy-one all jurisdiction, whether voluntary, contentious, or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the time of the passing of this Act having any jurisdiction whatsoever exerciseable in any

Abolition of ecclesiastical courts and ecclesiastical law.

A.D. 1869. — cause, suit, or matter, matrimonial, spiritual, or ecclesiastical, or in any way connected with or arising out of the ecclesiastical law of Ireland, shall cease; and on and after the said *first day of January one thousand eight hundred and seventy-one* the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her 5 present Majesty, chapter fifty-four, shall be repealed, and on and after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, shall cease to exist as law.

Incorporation of church body.

22. If at any time it be shown to the satisfaction of Her 10 Majesty that the bishops, clergy, and laity of the said Church in Ireland, or the persons who, for the time being, may succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in communion with such persons, have by arrangement amongst themselves appointed any persons or 15 body to represent the said Church, and to hold property for any of the uses or purposes thereof, it shall be lawful for Her Majesty by charter to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as is in this Act provided, but not further or otherwise. 20

Dealings between Commissioners and representative Church Body.

Redemption of annuities and life interest of ecclesiastical persons.

23. In the event of a representative corporate body, herein-after referred to as “the representative body of the said Church,” being constituted in pursuance of this Act to represent the said Church, any archbishop, bishop, or person holding any such benefice or 25 cathedral preferment as aforesaid, or any curate entitled to an annuity under this Act, may after the *first day of January one thousand eight hundred and seventy-one*, apply to the commissioners to commute his annuity and the value of his life interest, if any, in any ecclesiastical property held by him in pursuance of 30 this Act, exclusive of any income derived from pew rents and burial fees, for a capital sum; and the commissioners, if satisfied that such annuity and life interest is unincumbered, or, if incumbered, that the incumbrancers consent to the commutation, and that the said representative body assent to such commutation, and also, in the 35 case of a curate, that the incumbent (if any), from whose income the salary of such curate has been deducted as aforesaid assents, shall cause the then present value of such annuity and also of such life interest, exclusive as aforesaid, to be estimated, and shall pay the amount of such estimated value to the representative body of 40 the said Church, charged with the payment of the annuity in respect

A.D. 1869.

of which the capital sum is paid, so long as the annuitant requires such payment to be made; and upon such capital sum being paid, the annuity of such applicant shall cease, and all the estate and interest of the said applicant in any such ecclesiastical property as aforesaid shall vest in the commissioners.

Any person having a life interest in ecclesiastical property in pursuance of this Act, although not the recipient of an annuity, shall be deemed to be an annuitant for the purposes of this section, and such life interest may be valued and commuted accordingly.

24. When any annuity is commuted as aforesaid, the commissioners shall, as soon as may be, ascertain and by order declare the amount of any building charge to which the archbishop, bishop, incumbent, or person holding such cathedral preferment, and therefore entitled to such annuity as aforesaid, or any person or persons claiming through or under him, may be entitled, after deducting such sum or sums of money (if any) as the commissioners may ascertain and declare to be just in respect of any dilapidations or want of proper repair in any of the buildings subject to such charge, and the commissioners shall thereupon pay to such archbishop, bishop, or person holding such benefice or cathedral preferment, or any person or persons claiming as aforesaid (as the case may be), the principal sum (if any) so ascertained and declared to be payable to him or them in respect of such building charge as aforesaid.

Building charge to be paid on commutation of annuity.

25. The following enactments shall be made with respect to churches vested in the commissioners under this Act:

Enactments with respect to churches.

(1.) Where any church or ecclesiastical building appears to the commissioners to be ruinous, or if a church to be wholly disused as a place of public worship, and not suitable for restoration as a place of public worship, and yet to be deserving of being maintained as a national monument by reason of its architectural character or antiquity, the commissioners shall by order vest such church in the secretary of the Commissioners of Public Works in Ireland, to be held by such secretary, his heirs and assigns, upon trust for the Commissioners of Public Works as a national monument, and the commissioners shall ascertain, and by order declare what sum is in their judgment required for maintaining as national monuments the churches and buildings so vested, and shall pay such sum accordingly to the said secretary, to be held upon trust for the

A.D. 1869.

said commissioners, and to be applied by them in maintaining the said churches.

- (2.) Where any church is in actual use at the time of the passing of this Act, and the representative body of the said church, at any time within six months after the first 5 of January one thousand eight hundred and seventy-one, apply to the commissioners stating that they require such church for religious purposes, and are willing to maintain the same in good repair, or desire such church for the purpose of taking the same down and erecting 10 another church or churches in its place, the commissioners shall by order vest the church in the said representative body of the said church, subject to any life estate or interest that is existing therein.
- (3.) Where any church in respect of which an application is 15 made as aforesaid by the representative body of the said church to the commissioners is such as in the opinion of the commissioners is deserving of being maintained as a national monument by reason of its architectural character or its antiquity, yet is of such a size as in 20 the opinion of the commissioners to make it beyond the means of the congregation which will probably use the same to maintain in proper repair, the commissioners may by order declare what sum of money will be required towards maintaining the same as a national monument, 25 and shall pay such sum to the representative body of the said church, to be set apart by them and applied for the purpose of maintaining the said church as a national monument: Provided that the number of churches towards the maintenance of which, as national monuments, money 30 is to be contributed by the commissioners as aforesaid shall not exceed twelve:
- (4.) Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said church within 35 the said prescribed period, and such church was erected at the private expense of any person, the commissioners shall, on the application of the person who erected such church, if alive, or of his representatives if he died within twenty-five years before the passing of this Act, by order 40 vest such church in the applicant or applicants, or in such person or persons as he or they may direct:

A.D. 1869.

(5.) Where any church vested in the commissioners under this Act is not disposed of under the preceding sections, the commissioners shall dispose of such church and the site thereof in such manner as they think expedient :

5 (6.) Where any church is vested in the representative body of the said church by order of the commissioners, any school-house belonging thereto or used in connexion therewith and by this Act vested in the commissioners shall be included in the said order.

10 (7.) No vesting order made under this section shall prejudice or affect the right of any person or persons to any vault or other place of burial within any church or ecclesiastical building, and every such vesting order shall be deemed to be subject thereto, and to all such other rights of sepulture
15 therein as may be subsisting at the date of such order :

26. The following enactments shall be made with respect to burial grounds vested in the commissioners :

Enactments
with respect
to burial
grounds.

(1.) Where any church vested in the representative body of the said Church has a burial ground annexed or adjacent
20 thereto, such burial ground shall be included with the church in the order made by the commissioners, subject to any life estate or interest subsisting therein, and pass to the said representative body accordingly, but without prejudice to such rights of burial as may be
25 subsisting therein, or may be thereafter declared to subsist therein by Act of Parliament :

(2.) Where any church conveyed to the secretary to the commissioners of public works for Ireland as aforesaid has a burial ground annexed or adjacent thereto, and also in
30 every case other than those herein-before provided for in which a burial ground is vested in the commissioners under this Act, the commissioners shall vest such burial ground in the guardians of the poor of the poor law union within which the same may be situate, to be held by such
35 guardians for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of the Burial Act (Ireland), 1856, and the statutory amendments thereof
40 for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament.

A.D. 1869.

Enactments
with respect
to ecclesiastical
residences.

27. Where any church is vested in the representative body of the said church in pursuance of this Act, and there is any ecclesiastical residence vested in the commissioners, which at the time of the passing of this Act or within six months prior thereto is or has been occupied as a residence by any ecclesiastical person 5 performing or aiding in the performance of the services in such church, or where such residence being a see house is or has been occupied by the archbishop or bishop of the see to which such residence belongs at the time of the passing of this Act, or within six months prior thereto, the commissioners may, on the appli- 10 cation of the representative body of the said church by order vest in that body such ecclesiastical residence, with the garden and curtilage thereto, subject to such life estate or interest, if any, as may be then subsisting therein, upon payment to the commissioners of such sum as is herein-after mentioned, that is 15 to say; where there is no building charge affecting the same, upon payment to the commissioners of a sum equal to twelve times the amount of the annual value of the site of such ecclesiastical residence estimated as land, and of the said garden and curtilage, such value to be determined in case of disagreement 20 by arbitration; and where there is a building charge affecting the same, on payment to the commissioners, of such one of the two sums herein-after mentioned as may be the smallest, that is to say, either the amount of such building charge or a sum equal to the value of such ecclesiastical residence, with the garden and 25 curtilage thereto, taken at twelve years purchase of the annual value as estimated by the general tenement valuation, such payment to be made, if there be no life estate or interest subsisting in such residence, to the commissioners at the time of the making of the said vesting order, but if there be a life estate or interest 30 subsisting therein, then to be made to the commissioners or persons entitled thereto, in place of the commissioners, immediately after the determination of such life estate or interest.

Where the payment of the amount of any building charge or sum as aforesaid is deferred in pursuance of this section, the amount 35 thereof shall be deemed to be a lien on the said ecclesiastical residence, and the garden and curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall not bear interest until the same becomes payable in pursuance of this section.

Power to
convey
additional
land to
church body.

28. Where any ecclesiastical residence is by order of the com- 40 missioners vested in the representative body of the said church, the commissioners may on the application of the said body by

order vest a further portion of land in the said body ; that is A.D. 1869.
to say,

1. In the case of a see house a quantity of land not exceeding
thirty acres, being land adjoining and usually occupied with
the said see house.

2. In the case of any other ecclesiastical residence a quantity of
land not exceeding ten acres, being land adjoining to and
usually occupied with the said ecclesiastical residence.

There shall be paid to the said commissioners by the said repre-
sentative body as the price of the land to be vested in them, in
pursuance of this section, such sum as may be agreed upon or
may be determined by arbitration.

Any vesting order made by the commissioners in pursuance of this
section shall have annexed thereto a map accurately defining the
land thereby vested.

29. Where any real or personal property becoming vested in the
commissioners by virtue of this Act consists or is the produce
of property or monies given by private persons out of their own
resources since the year sixteen hundred and sixty, or consists or is
the produce of monies raised by private subscription since such last-
mentioned year, and does not come within the description of a
church or ecclesiastical residence in this Act otherwise provided
for, the commissioners shall, on the application of the represen-
tative body of the said Church, by order vest such property,
herein-after referred to as a private endowment, in that body, if
they apply to the commissioners for the same within six months
after the said first of January one thousand eight hundred and
seventy-one, but if no such application is made by the said
representative body of the said Church to the commissioners within
the said period, the commissioners shall, in the case of an en-
dowment by a private person, if such person be alive, by order
vest the same in him on his application, and if such person died
within twenty-five years before the passing of this Act, then, on
application of his real or personal representatives, by order vest the
property in them, so that the application be made by such private
person or his representatives within six months after the expiration
of the said prescribed period, but if no application be made by the
said representative body of the said Church, or by any person by
this Act authorized to make the same, within the period prescribed
for such representative body and person respectively, then the
commissioners shall dispose of the endowments aforesaid in such
manner as they think expedient.

Enactments
with respect
to private
endowments.

A.D. 1869.

Enactments
with respect
to mixed
endowments.

30. Where any real or personal property becoming vested in the commissioners, in pursuance of this Act, on the said *first of January one thousand eight hundred and seventy-one*, and coming within the description of a private endowment, consists of part of a house or other building, or of part of a field, or part of any property that cannot be conveniently divided, the commissioners shall ascertain and by order declare the annual value of the part which is private endowment and of the other part, and it shall be lawful for the representative body of the said Church, or any person or body of persons authorized by this Act to apply for an order vesting a private endowment in him or them, to do one of the following things, either to require the whole of such property to be vested in him or them on payment to the commissioners of the value of such part of the property as does not consist of private endowment, or to require the commissioners to pay to such person or body of persons as aforesaid the value of such part of the property as consists of private endowment.

There shall be paid by or to the commissioners, according to circumstances, on account of any property in respect of which money is made payable under this section, such amount as may be determined by the commissioners, subject to arbitration as herein-after mentioned, not exceeding in the case of a building twelve times the annual value of the part in respect of which the money is payable or in case of any other description of property twenty-two times and a half the annual value of the part in respect of which the money is payable.

Management of Property by Commissioners.

Limitation
of right to
purchase
fee simple
in consideration of
perpetual
rent.

31. No application under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands shall be made after the expiration of three years from the first day of January one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid :

In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance shall be done by the ecclesiastical commissioners for

Ireland, such provision shall be construed as if the commissioners hereby constituted were named therein instead of such ecclesiastical commissioners. A.D. 1869.

32. The commissioners may at any time after the *first day of* Sale of
 5 *January one thousand eight hundred and seventy-one* sell any tithe rent-
 rentcharge in lieu of tithes vested in them under this Act to the charge to
 owner of the land charged therewith in consideration of a sum owners of
 equal to twenty-two and a half times the amount of such rent- land.
 charge; and upon any such sale being so made, the commissioners
 10 shall by order declare the rentcharge to be merged in the land
 out of which it issued, and the same shall merge and be extin-
 guished accordingly.

Upon the application of any owner so purchasing, the commis-
 sioners may, by order, declare his purchase money or any part thereof
 15 to be payable by instalments, and the land out of which such rent-
 charge issued to be accordingly charged as from a day to be
 mentioned in such order for forty-five years thence next ensuing,
 with an annual sum equal to four pounds ten shillings for every
 one hundred pounds of the purchase money or part thereof so
 20 payable by instalments. The annual sum charged by such order
 shall have priority over all charges and incumbrances, except quit
 or crown rents; and shall be payable by the same persons, and be
 recoverable in the same manner, as the rentcharge in lieu of tithes
 heretofore payable out of the same lands.

25 “Owner” for the purposes of this section shall mean the person
 for the time being liable to pay rentcharge in lieu of tithes under
 the provisions of the Act of the first and second years of the reign
 of Her present Majesty chapter one hundred and nine.

33. The commissioners may at any time after the *first of* Power of
 30 *January one thousand eight hundred and seventy-one* sell by commis-
 public auction or private contract, or otherwise convert into money, sioners to
 any real or personal property vested in them by this Act, subject sell their
 to the other provisions of this Act, and to the following conditions: property.

(1.) They shall not sell to the public any perpetual yearly rent
 35 issuing out of any land, or any right to mines or quarries,
 in any land where the fee simple of the land subject to
 such rent or right, is vested in some person other than
 the commissioners, until they have given notice to the
 owner of such land that they are willing to sell the same
 40 to him at the price herein-after mentioned, and the owner
 has declined to accept their offer:

A.D. 1869.

- (2.) Perpetuity rents shall be offered to the owner of the land out which they issue at a capital sum equal to twenty-five times the annual amount of such rents :
- (3.) The price of the rights to mines or quarries shall be fixed by the commissioners by order : 5
- (4.) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest :
- (5.) They shall not sell to the public the fee simple of any land 10 which is held immediately from or under the commissioners by virtue of any lease, until they have given notice to the lessee that they are willing to sell the fee simple to him for a price to be named by the commissioners in such notice, and such lessee has declined to accept their offer ; 15 and they shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease for twenty-one years or for three lives, or twenty-one years, or for forty years, or for three lives, until the expiration of three years from 20 the *first day of January one thousand eight hundred and seventy-one* :
- (6.) Notice shall be given to the owner, where such owner is known to the commissioners, by sending by post a letter containing the terms of the offer addressed to him at his 25 last known place of abode ; where he is not known, notice may be given by advertising the terms in the Dublin Gazette ; and in one or more local newspapers as the commissioners may determine :
- (7.) An owner shall be deemed to have declined to accept the 30 offer of the commissioners if he do not accept the same in writing, and pay or secure the purchase money to the commissioners within three months after the giving of such notice as aforesaid :
- (8.) "Owner of land" for the purposes of this section shall include 35 a "limited owner" as defined by the "Landed Property (Ireland) Improvement Act, 1860 ;" and any limited owner may raise the money required for any purchase under this section or any part thereof, by mortgage (at a rate of interest not exceeding five pounds per centum 40 per annum) of the land of which he is such limited owner as aforesaid.

34. All purchase monies, rents, and other monies whatsoever payable to the commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner as may from time to time be determined by the
5 commissioners of the treasury.

A.D. 1869.

Payment of
money into
bank.

35. The commissioners appointed under this Act shall publish at least once in every year, at such time as the Commissioners of the Treasury may direct, an account of their receipts and expenditure, with such particulars as may be required by the Commissioners of
10 the Treasury, and shall also submit their account to the Comptroller and Auditor General at such time and in such manner as the said Commissioners of the Treasury may require.

Accounts by
commis-
sioners.

Regium Donum and College of Maynooth.

36. When the annual parliamentary grant for the expenses of
15 the non-conforming, seceding, and protestant dissenting ministers in Ireland, commonly called the Regium Donum, and in this Act referred to by that name, is discontinued, the commissioners shall as soon as may be after such discontinuance ascertain and declare by order the amount of the yearly sum theretofore received thereout
20 by each minister of any Protestant nonconforming congregation in Ireland, and shall pay to each such minister, so long as he lives and continues to perform the duties of his ministry, whether in the same or in a different congregation of the church or religious community to which he may belong, an annuity equal to the yearly
25 amount so ascertained as aforesaid.

Compensa-
tion to non-
conforming
ministers.

For the purposes of this section the yearly sum received shall be the amount actually received by such minister during the financial year ending the *thirty-first of March one thousand eight hundred and sixty-nine*.

30 The Commissioners shall also on such discontinuance as aforesaid ascertain and declare by order the amount of any yearly sum to which any assistant successor to a minister in such congregation may be prospectively entitled, and shall secure to such successor a deferred life annuity of the same value and payable in the same
35 events as the yearly sum for which it is substituted.

37. When the annual parliamentary grant for the salaries of the theological professors of the College of the General Assembly of the Presbyterian Church situated at Belfast is discontinued, the commis-
40 sioners shall, as soon as may be after such discontinuance, ascertain and declare by order the amount of the yearly salary theretofore received thereout by each such professor in the said college, and shall pay to each such professor, so long as he lives and continues

Compensa-
tion in
respect of
salaries of
professors
and college
buildings
at Belfast.

A.D. 1869. — to perform the duties of his present or any other professorship in the said college, an annuity equal to the yearly amount so ascertained as aforesaid.

The commissioners shall also pay in respect of the buildings of the said college a sum not exceeding fifteen thousand pounds 5 to trustees to be appointed in that behalf by the moderator of the General Assembly of the Presbyterian Church in Ireland.

For the purposes of this section the yearly sum received by any such professor shall be the amount actually received by such professor during the financial year ending the *thirty-first of March* 10 *one thousand eight hundred and sixty-nine.*

Commu-
tation of
annuities
of non-
conformist
ministers and
professors at
Belfast.

38. Any minister or assistant successor of any Protestant non-conforming congregation, or any professor of the said college at Belfast to or for whom any annuity is paid or secured under this Act by reason of the discontinuance of the said grant called the 15 *Regium Donum*, may apply to the commissioners to commute his annuity for a capital sum to be paid to him, and the said commissioners, if satisfied that the annuity of the applicant is not incumbered, or if incumbered that the incumbrancers consent to the commutation, shall cause the then present value of the annuity to 20 be estimated, and shall pay the amount of such estimated value to trustees, such trustees to be appointed in the case of any such professor as aforesaid by the applicant and the Moderator for the time being of the General Assembly of the Presbyterian Church, and in the case of any such minister or assistant successor as aforesaid 25 by such minister or assistant successor and the Moderator for the time being of the General Assembly or synod or presbytery, as the case may be, of the church or religious community to which such minister or assistant successor may belong.

Repeal of
Maynooth
Acts.
Compensa-
tion on the
cessation of
certain
annual sums.

39. On and after the *first day of January one thousand eight* 30 *hundred and seventy-one*, the Act of the fortieth year of the reign of His late Majesty King George the Third, chapter eighty-five, except the fourth and fifth sections thereof, the Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, except the first three sections thereof, and the Act of the 35 twenty-third and twenty-fourth years of the reign of Her said present Majesty, chapter one hundred and four, shall be and the same are hereby repealed.

When the annual sums herein-after mentioned cease to be paid, compensation shall be made in respect thereof by payment 40 of capital sums as follows, that is to say :

- (1.) In respect of the annual sum paid out of the said *Regium Donum* to the fund for supporting the widows and orphans

of ministers of the synod of Ulster, by payment of the capital sum herein-after mentioned to the Presbyterian Widows Fund Association. A.D. 1869.

- 5 (2.) In respect of the annual sum paid out of the Regium Donum to or on account of the clerks of the synod by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the moderator of the general assembly or of the synod or presbytery for whose benefit such annual payment was heretofore made as aforesaid.
- 10 (3.) In respect of the annual sum granted by Parliament for the incidental expenses of the General Assembly's college at Belfast, by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the Moderator for the time being of the said General Assembly
- 15 of the Presbyterian Church in Ireland.
- (4.) In respect of the annual sum paid to the trustees of the College of Maynooth in pursuance of the Act of Parliament in that behalf, by payment of the capital sum herein-after mentioned to the trustees of the said college.
- 20 The capital sum to be paid in respect of each of the annual sums aforesaid shall be fourteen times the amount of each such annual sum, and the amount of each of the annual sums aforesaid, shall for the purposes of this Act, be deemed to be the amount actually paid on account of such sum by or by order of the Commissioners
- 25 of the Treasury during the financial year ending the *thirty-first day of March one thousand eight hundred and sixty-nine.*

40. Any sums of money remaining due from the trustees of the said College of Maynooth to the Commissioners of Public Works in Ireland, in respect of advances made by the said commissioners on the security of the sums payable to the said trustees under the sixth section of the said Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, shall be and the same are hereby released. Remission of debt to trustees of Maynooth.

Appeal.

- 35 41. The following rules shall be enacted with respect to appeals against the orders of the commissioners : Regulations as to appeal.
- (1.) Where any person feels aggrieved by the value set by the commissioners on any life interest or other interest in respect of which compensation is awarded to him under this Act, and where any person feels aggrieved by the value set by the commissioners on any advowson or right of presentation in respect of which he is awarded compensation

A.D. 1869.

under this Act, he may, if he think fit, refer such question to arbitration :

- (2.) Where any person feels aggrieved by any judgment or order of the commissioner in respect of any private endowment, he may appeal therefrom to the Court of Appeal in Chancery in Ireland, and the opinion of such court shall be conclusive, but save as aforesaid no appeal shall be had from any judgment or order of the commissioner. 5

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

10

Possession to be given up of 24, Upper Merrion Street.

42. The possession of the house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the said Ecclesiastical Commissioners, and all furniture and fittings therein, and also all books, accounts, deeds, maps, documents, and papers whatsoever at the date of this Act belonging to the said Ecclesiastical Commissioners, or under their control, or the control of any of their officers, shall immediately after the passing of this Act, be delivered up by the person or persons having charge of the same respectively to the commissioners. 15

Compensation to Ecclesiastical Commissioners and their officers.

43. There shall be paid to Arthur Edward Gayer and William Charles Quinn (two of the said Ecclesiastical Commissioners), to Robert Franks (their secretary), to George Lefroy (their treasurer), and to the several other officers of the said Ecclesiastical Commissioners whose services may not be required by the commissioners hereby constituted, such annual sums respectively as the said last-mentioned commissioners, with the assent of the Lord Lieutenant, may recommend, and shall be approved of by the Commissioners of the Treasury. 20 25

Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January 1870.

44. The commissioners shall ascertain and by order declare the amount of the fees or other emoluments received by each vicar-general, official principal, commissary-general, or chancellor, or registrar or joint registrar of any diocese or united dioceses in Ireland, on an average of the three years ending the *first day of January one thousand eight hundred and sixty-nine*, and of which they may be deprived by this Act; and shall, as from the *first day of January one thousand eight hundred and seventy-one*, out of any funds for the time being in the hands of the commissioners under the provisions of this Act, pay to each such vicar-general, official principal, commissary-general, chancellor, 30 35

or registrar, during his life, such annuity by way of retiring pension as the commissioners, with the joint approval of the Lord Lieutenant and of the Commissioners of the Treasury, may recommend. A.D. 1869.

Delivery up of Documents.

- 5 45. All and singular the records, books, accounts, deeds, maps, documents, and papers whatsoever which in anywise relate to or concern any of the property or premises vested or to become vested in the commissioners under any of the provisions of this Act shall, within three months next after the said first day of January one
10 thousand eight hundred and seventy-one, be delivered up to the commissioners by the respective registrars of the several provincial and diocesan or united diocesan or other registries in Ireland, or other the officers then having the custody or possession of the same respectively. Delivery up of books by registrars.

15 *Dealings with Property.*

46. It shall not be lawful for the commissioners to expend any money whatever in or about the building, rebuilding, or enlarging of any cathedral or other church, or any chapel, see-house, glebe-house, or other building belonging to the said Church or any
20 person holding office therein, or connected therewith, or in enlarging or improving any churchyard or graveyard, nor to grant or advance any money for the purposes aforesaid, or any of them. Commissioners not to expend moneys in building.

47. It shall not be lawful for the commissioners, after the *first day of January one thousand eight hundred and seventy-one*, to
25 expend any money whatever upon any such buildings, churchyard, or graveyard as aforesaid, whether for repairs or otherwise, nor in payment of salaries of clerks or sextons of any parish, chapelry, or chapel of ease who may be appointed after the passing of this Act, or in providing any church or chapel with fuel, lighting, or things
30 necessary for the celebration of Divine service, nor to grant or advance any money for the purposes aforesaid, or any of them: Provided, that in the meantime, and until the said first day of January one thousand eight hundred and seventy-one, it shall be lawful for the commissioners to expend such sums of money as
35 they may ascertain, and by order declare, to be necessary for keeping any such buildings as aforesaid in substantial repair and preservation, or for providing any church or chapel with fuel, lighting, or other things requisite for the decent performance of Divine worship as heretofore in such church or chapel. Commissioners not to expend moneys in repairs.

A.D. 1869.

—
Payment of
building
charge.

48. Nothing herein contained shall affect the right of any archbishop, bishop, or person holding any benefice or cathedral preferment in the said Church, and whose annuity has not been commuted in pursuance of this Act, to receive the amount of any building charge to which such archbishop, bishop, or other person would have been entitled if this Act had not passed; and in the event of the circumstances occurring under which such person or his representatives would have been entitled, if this Act had not passed, to receive such charge, the commissioners shall pay the same to such person or his representatives. 10

Regulations
as to
payment of
annuity.

49. Every annuity payable by the commissioners under this Act shall be deemed to accrue due from day to day, and shall be paid at such intervals not exceeding in any case six months, and in such manner as the commissioners may judge expedient.

The commissioners may deduct from any annuity payable by them any sums they may have been required to pay to any incumbrancer in respect of any charge which would have been payable out of the property for which such annuity is substituted if no substitution had taken place. 15

Power of
commission-
ers to accept
mortgages as
security for
a portion of
purchase
money.

50. Where the commissioners sell any land or interest in land in pursuance of this Act, the commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of four per centum per annum, secured to the satisfaction of the commissioners; and any such purchase money may be made payable by instalments, not exceeding thirty-two in number. 20 25

Power to
pay by
instalments.

51. Where the commissioners are authorized or required under this Act to pay any capital sum in respect of any commuted annuity they may, if they think fit, instead of paying such sum at once, elect to pay the same by half-yearly instalments, not exceeding eight in number, together with interest at the rate of three and a half pounds per cent. on any part of the capital for the time being remaining unpaid. 30

Where the representative body of the said church is liable to pay any capital sum to the commissioners, such capital sum may be paid by twenty-two yearly instalments with interest at the rate of three and a half per cent. on the amount of the purchase money remaining unpaid, to be secured in such manner as the commissioners think expedient. 35 40

Sales of
lands, &c.
may be made
in Landed

52. If in any case in which the commissioners are by this Act authorized or directed to sell any property it appears to them to be expedient that the same should be sold, or the sale thereof

carried out, in the Landed Estates Court in Ireland, it shall be lawful for the commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon such sale shall be effected or carried out in and by the said court accordingly; and the conveyance of the premises so to be sold, or the sale of which may be carried out, under any such order, shall be executed by a judge of the said court, and shall have the same force and operation in all respects as if the same were so executed in a matter in which an absolute order for sale of the said premises had been duly made by the said court on a petition filed therein for that purpose.

A.D. 1869.

 Estates
Court.

53. The vesting of any property in the commissioners under this Act shall not preclude any person entitled from recovering any arrears of rent, interest, or other sums payable at the time of such vesting, out of or in respect of such property, and such arrears, interest, or other sum may be recovered by such person in the same manner in all respects as if such vesting had not taken place; and where any person is deprived of any rent, interest, or other sum payable out of or in respect of property by reason of such property vesting in the commissioners under this Act, the commissioners, after deducting any rates or charges payable thereout, shall pay to such person a proportionate part of such rents, interest, and other sums in respect of the time that may have intervened between the last day at which such person was entitled to receive such rents, interest, or sums, and the time of the vesting of the property in the commissioners.

 Saving
claim of
arrears of
rent, &c.

54. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estates if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such

 Provision
for other
persons
under dis-
ability.

A.D. 1869. guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Provision as to incapacitated owners.

55. If in any case any such advowson or building charge as is mentioned in this Act is so circumstanced as that there is not in the opinion of the commissioners any person competent to give an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the commissioners so to declare by order, and thereupon the compensation or amount so payable by the commissioners shall be paid into the Bank of Ireland, ex parte the commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland and dealt with in pursuance of the Land Clauses Consolidation Act, 1845; and in the construction of that Act this Act shall for the purposes of this section be deemed to be the special Act. 10 15 20

Power for officers of commissioners to enter upon land.

56. Any surveyor or other person employed by the commissioners for the purpose of ascertaining the value of any land or buildings which, or the reversion of which, may be vested in the commissioners under this Act, may enter upon such land or buildings at all reasonable times during the day, upon making full compensation for any damage he may do for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the commissioners for the purpose of carrying this Act into effect. 25

Temporary Provisions.

30

Rules as to arbitration.

57. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act with respect to the settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that, in cases where the Board of Trade is thereby authorized to appoint an umpire, the Commissioners of Public Works in Ireland shall have power to appoint the same. 35

Regulation as to vacancies.

58. If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church between the date of the passing of this Act and the first 40

day of January one thousand eight hundred and seventy-one, A.D. 1869.
the following enactments shall be made with respect to such
vacancy :

- 5 (1.) All property, real and personal, belonging or in anywise
appertaining to or appropriated to the use of any such
vacant archbishopric, bishopric, benefice, or cathedral pre-
ferment, or belonging or in anywise appertaining to or
appropriated to the use of any person holding any such
10 archbishopric, bishopric, benefice, or cathedral preferment,
shall vest in the commissioners, subject to any quitrents,
head rents, leases, and other tenancies, charges, and
incumbrances affecting the same :
- 15 (2.) Her Majesty may in the case of a vacant archbishopric, on
the requisition of any three bishops of the province, and
in the case of a bishop, on the requisition of the arch-
bishop of the province in which such bishopric is situate,
or of any three bishops of the same province, fill up the
vacancy ; but no archbishop or bishop so appointed shall
20 be summoned to or be qualified to sit in the House of
Lords, and he shall be subject to the provisions herein-after
mentioned :
- 25 (3.) In the case of any vacant benefice or cathedral prefer-
ment, such vacancy may be filled up by the same person
or persons who would have been qualified to fill up the
same if this Act had not passed, but the person so
appointed shall be subject to the provisions herein-after
mentioned :
- 30 (4.) Every person appointed to fill any vacancy in pursuance
of this section shall be subject to all the provisions of
this Act, and he shall not be entitled to any compensation
in respect of any annuity or other interest of which he
may be deprived by virtue of this Act :
- 35 (5.) The commissioners may pay to any person appointed to fill
a vacancy in pursuance of this section, during such time
as he may occupy his office between the date of the
passing of this Act and the said *first January one thousand*
eight hundred and seventy-one, a sum equal, as nearly
as the commissioners can determine, to the net annual
40 income of the archbishopric, bishopric, benefice, or
cathedral preferment to which he is appointed, or a pro-
portionate part thereof, according as he holds his office
for the whole time or a portion only of such time.

A.D. 1869.

*Surplus.*Ultimate
trust of
surplus.

59. When it appears to the commissioners that they have fulfilled all the directions contained in this Act, and that the objects of this Act have been fully attained, or that adequate provisions have been made for effectuating the same, the commissioners shall 5 so report to Her Majesty, and thereupon it shall be lawful for Her Majesty, by order in council, to direct that, subject to all subsisting charges upon the ecclesiastical property then vested in commissioners, whether such charges may exist previously to the passing of this Act, or may be created under any of the provisions 10 of this Act, such property shall be applied, under the management and control of the Poor Law Commissioners for Ireland, to the following purposes, or any of them; that is to say,

- (1.) The support of infirmaries, hospitals, and lunatic asylums, in exoneration of the grand jury cess, or other assessment in 15 lieu thereof.
- (2.) The support of reformatory and industrial schools under the Reformatory and Industrial Schools (Ireland) Acts, in aid of other grants for that purpose.
- (3.) The salaries of trained or skilled nurses for poor persons in 20 sickness or in labour.
- (4.) The suitable education and maintenance of the blind, and of the deaf and dumb poor in separate asylums.
- (5.) The suitable care, training, and maintenance, in separate asylums, of poor persons of weak intellect not requiring to 25 be kept under restraint.

The commissioners may from time to time during their trust report to Her Majesty whether there is any income available for the purposes mentioned in this section, and upon such report being made, it shall be lawful for Her Majesty by order in council to 30 direct such available portion of income to be applied for the aforesaid purposes, or any of them, under such management and control as aforesaid.

*Saving Clauses.*Provision
as to Acts
relating to
United
Church of
England and
Ireland.

60. In all enactments, deeds, and other documents in which 35 mention is made of the United Church of England and Ireland, the enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of Ireland, but as to the last-mentioned Church, subject to the provisions of this Act.

40

Saving
rights as to
proprietary

61. Nothing in this Act contained shall affect the patronage or right of presentation to any proprietary church or endowed chapel

of ease, or affect the property in any such church or chapel, or the property held for the purposes of or appropriated to the use of the same, or affect the continuance of the trust relating thereto as originally constituted.

A.D. 1869.

—
chapels and
chapels of
ease.

- 5 **62.** Nothing herein contained shall affect the Act of the session of the thirty-ninth and fortieth years of the reign of King George the Third, chapter sixty-seven, and intituled "An Act for the Union of Great Britain and Ireland," or an Act of the Irish Parliament passed in the fortieth year of the reign of King George the Third,
10 and also intituled "An Act for the Union of Great Britain and Ireland," or anything done thereby, except in so far as relates to the union of the Churches of England and Ireland.

Saving of
Act of
39 & 40 G. 3.
c. 67.

Construction of Act.

- 63.** In the construction and for the purposes of this Act the
15 following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; (that is to say,
"Lord Lieutenant" shall mean and include the lords justices or
other chief governors or governor of Ireland :
20 "Lease" shall include an agreement for a lease, or other contract of tenancy, and the estate or interest created or agreed to be created thereby :
"Ecclesiastical person" shall mean and include any archbishop or bishop, or person holding any benefice or cathedral preferment as herein-after defined :
25 "Church" shall include a public chapel or chapel of ease, also a cathedral or collegiate church :
"Benefice" shall mean benefice with cure of souls, and include every parish, rectory, vicarage, perpetual curacy, donative,
30 endowed public chapel, parochial chapelry, and chapelry or district annexed or reputed to be annexed, to any church or chapel, and whether the same be or be not within any exempt or peculiar jurisdiction :
"Glebe house" shall mean a house of residence belonging to any
35 benefice as herein-before defined :
"Cathedral preferment" shall mean and include every deanery, archdeaconry, prebend, canonry, chaplaincy, office of minor canon, chantry, office of priest vicar, vicar choral or choirman, having any prebend or endowment belonging thereto, or
40 belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership,

Interpreta-
tion.

"Lord Lieu-
tenant :"

"Lease :"

"Ecclesias-
tical per-
son :"

"Church :"

"Benefice :"

"Glebe
house :"

"Cathedral
preferment :"

A.D. 1869.

"Cathedral
corporation:"

"Property."

sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church:

"Cathedral corporation" shall mean any corporation of minor canons, or vicars and choirmen, or vicars choral, or any other subordinate corporation of or belonging to or connected with 5 any cathedral or collegiate church in Ireland:

"Property" shall include things in action and rights of action.

Irish Church.

A

B I L L

To put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth.

(Prepared and brought in by
Mr. Dodson, Mr. Gladstone, Mr. John Bright,
Mr. Chichester Fortescue, and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed
1 March 1869.

[Bill 27.]

Under 4 oz.

Irish Church Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. Dissolution of legislative union between Churches of England and Ireland.

Constitution and Powers of Commissioners.

3. Appointment of commissioners.
4. Quorum of commissioners.
5. Appointment of officers.
6. Salaries and expenses.
7. Powers of commissioners.
8. Forms of application, and general rules.
9. Duration of office, and restriction on sitting in Parliament.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

10. Prohibition of future appointments.
11. Property of Ecclesiastical Commissioners vested in commissioners under Act.
12. Church property vested in commissioners under Act.
13. Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords.

Compensation to Persons deprived of Income.

14. Compensation to ecclesiastical persons other than curates.
15. Compensation to curates.

[Bill 112.]

A

Clause.

16. Compensation to diocesan schoolmasters, clerks, and sextons.
17. Compensation to organists, vergers, and others.
18. Compensation to lay patrons.

Powers of Church after passing of Act.

19. Repeal of laws prohibiting holding of synods, &c.
20. Existing law to subsist by contract.
21. Abolition of ecclesiastical courts and ecclesiastical law.
22. Incorporation of church body.

Dealings between Commissioners and representative Church Body.

23. Redemption of annuities and life interest of ecclesiastical persons.
24. Building charge to be paid on commutation of annuity.
25. Enactments with respect to churches.
26. Enactments with respect to burial grounds.
27. Enactments with respect to ecclesiastical residences.
28. Power to convey additional land to church body.
29. Enactments with respect to private endowments.
30. Enactments with respect to mixed endowments.

Management of Property by Commissioners.

31. Limitation of right to purchase fee simple in consideration of perpetual rent.
32. Sale of tithe rentcharge to owners of land.
33. Power of commissioners to sell their property.
34. Payment of money into bank.
35. Accounts of capital and revenues.

Regium Donum and College of Maynooth.

36. Compensation to nonconforming ministers.
37. Commutation of annuities of nonconformist ministers and professors at Belfast.
38. Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums.
39. Remission of debt to trustees of Maynooth.

Appeal.

40. Regulations as to appeal.
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SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

Clause.

41. Possession to be given up of 24, Upper Merrion Street.
42. Compensation to Ecclesiastical Commissioners and their officers.
43. Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January 1870.

Delivery up of Documents.

44. Delivery up of books by registrars.

Dealings with Property.

45. Commissioners not to expend monies in building.
46. Commissioners not to expend monies in repairs.
47. Payment of building charge.
48. Regulations as to payment of commutation and annuity.
49. Power of commissioners to accept mortgages as security for a portion of purchase money.
50. Power to pay by instalments.
51. Sales of lands, &c. may be made in Landed Estates Court.
52. Saving claim of arrears of rent, &c.
53. Provision for other persons under disability.
54. Provision as to incapacitated owners.
55. Power for officers of commissioners to enter upon land.

Power of the Commissioners to raise Money.

56. Commissioners to raise money for the purposes of the Act.
57. Power for Treasury to advance money to commissioners.
58. Power for Treasury to guarantee advance to commissioners.
59. Form of security and guarantee.
60. Guarantee to be based on Consolidated Fund.
61. Repayment to Consolidated Fund.

Temporary Provisions.

62. Rules as to arbitration.
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Surplus.

64. Ultimate trust of surplus.

Saving Clauses.

Clause.

- 65. Provision as to Acts relating to United Church of England and Ireland.
- 66. Saving rights as to proprietary chapels and chapels of ease.
- 67. Saving of Act of 39 & 40 G. 3. c. 67.

Construction of Act.

- 68. Interpretation.
-

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Put an end to the Establishment of the Church of Ireland, and A.D. 1869.
 to make Provision in respect of the Temporalities thereof,
 and in respect of the Royal College of Maynooth.

WHEREAS it is expedient that the union created by Act of Preamble.
 Parliament between the Churches of England and Ireland,
 as by law established, should be dissolved, and that the Church of
 Ireland, as so separated, should cease to be established by law,
 5 and that after satisfying, so far as possible, upon principles of
 equality as between the several religious denominations in Ireland,
 all just and equitable claims, the property of the said Church of
 Ireland, or the proceeds thereof, should be held and applied for the
 advantage of the Irish people, but not for the maintenance of any
 10 church or clergy or other ministry, nor for the teaching of religion :

And it is further expedient that the said property, or the proceeds
 thereof, should be appropriated mainly to the relief of unavoidable
 calamity and suffering, yet so as not to cancel or impair the obliga-
 tions now attached to property under the Acts for the relief of the
 15 poor :

And whereas Her Majesty has been graciously pleased to signify
 that she has placed at the disposal of Parliament her interest in the
 several archbishoprics, bishoprics, benefices, cathedral preferments,
 and other ecclesiastical dignities and offices in Ireland, and in the
 20 custody of the same respectively :

Be it therefore enacted by the Queen's most Excellent Majesty,
 by and with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the authority of the same, as follows :

25 1. This Act may be cited for all purposes as "The Irish Church Short title.
 Act, 1869."

2. On and after the first day of January one thousand eight Dissolution
of legislative
union be-
tween
Churches of
 hundred and seventy-one, the said union created by Act of Parlia-
 ment between the Churches of England and Ireland shall be
 [Bill 112.] A 3

A.D. 1869. dissolved, and the said Church of Ireland, herein-after referred to as
 England and Ireland. "the said church" shall cease to be established by law.

Constitution and Powers of Commissioners.

Appoint-
ment of
commis-
sioners.

3. The following persons, that is to say, Viscount Monck, Right Honourable James Anthony Lawson, one of the justices of 5 the Court of Common Pleas in Ireland, and George Alexander Hamilton, esquire, shall be constituted commissioners under this Act: they shall hold office during Her Majesty's pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by warrant 10 under the royal sign manual, appoint some other fit person to fill the vacancy. The commissioners appointed under this Act shall be a body corporate with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Commissioners of Church Temporalities in Ireland." 15

Judicial notice shall be taken by all courts of justice of the corporate seal of the commissioners, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

Quorum of
commis-
sioners.

4. Any power or act by this Act vested in or authorized to be 20 done by the commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one commissioner may require his case to be heard by two commissioners at least.

Appoint-
ment of
officers.

5. The said commissioners, herein-after referred to as "the com- 25 missioners," may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and such agents, clerks, messengers, and officers as they deem necessary for the purposes of this Act.

They may also employ such architects, actuaries, surveyors, 30 and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act.

Salaries and
expenses.

6. The following sums shall be paid by the commissioners out of 35 any monies for the time being in their hands in pursuance of this Act:

- (1.) To every commissioner appointed in pursuance of this Act a salary of not exceeding two thousand pounds a year:
- (2.) To the secretary, agents, clerks, messengers, and officers appointed, such salaries as the commissioners may recom- 40 mend, with the sanction of the Lord Lieutenant and as the Commissioners of Her Majesty's Treasury may approve:

(3.) To any architect, actuary, surveyor, or other person as aforesaid employed by the commissioners, such remuneration, on a scale to be approved by the Commissioners of the Treasury, as the commissioners may think expedient: A.D. 1869.

5 (4.) All incidental expenses of carrying this Act into execution.

7. Subject to such appeal as is herein-after mentioned, the commissioners shall have full power to decide all questions whatsoever, whether of law or fact, which they may deem it expedient or necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court. Powers of commissioners.

The commissioners with respect to the following matters, that is to say,

15 (1.) Enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents:

(2.) Issuing any commission for the examination of witnesses:

20 (3.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt:

(4.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act, shall have all such powers, rights, and privileges as are vested in the High Court of Chancery in Ireland for such or the like purposes, and all proceedings before the commissioners shall in law be deemed to be judicial proceedings before a court of record.

30 The commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as herein-after provided, every order or decision of the said commissioners shall be final.

8. The commissioners shall circulate forms of application and directions as to the mode in which applications are to be made to them under this Act. Forms of application, and general rules.

35 They shall also from time to time make, and when made may rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act, and giving effect to the provisions.

40 Such general rules shall be enrolled in the High Court of Chancery in Ireland within one month after the making of the same.

A.D. 1869.

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

5

Duration of office, and restriction on sitting in Parliament.

9. No commissioner and no person appointed to any office by the commissioners shall hold his office for a longer period than ten years next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

10

Transfer of Property and Dissolution of Ecclesiastical Corporations.

Prohibition of future appointments.

10. Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty or any other person or corporation to any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church.

15

Property of Ecclesiastical Commissioners vested in commissioners under Act.

11. From and after the passing of this Act all property, real and personal, at the date of such passing vested in or belonging to the Ecclesiastical Commissioners for Ireland, is transferred to and vested in the commissioners appointed under this Act, subject to all tenancies, charges, incumbrances, rights, or liabilities affecting the same, and the corporation of the Ecclesiastical Commissioners for Ireland is hereby dissolved.

20

Church property vested in commissioners under Act.

12. On the first of January one thousand eight hundred and seventy-one, save as herein-after provided, all property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any cathedral corporation in Ireland, as defined by this Act, shall vest in the commissioners, subject as herein-after mentioned; that is to say,

25

(1.) In case of all such property, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:

(2.) In the case of any houses, buildings, farms, lands, churches, burial grounds, or other corporeal hereditaments to which,

30

35

or to the rent and profits of which, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid may be entitled, subject to the life interests of such archbishop, bishop, or person respectively; and such last-mentioned corporeal hereditaments shall, subject to the provision for commutation herein-after contained, continue in such archbishop, bishop, or person respectively for their respective lives, in the same manner as if this Act had not passed.

A.D. 1869.

- 10 **13.** On the said first of January one thousand eight hundred and seventy-one every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland, as defined by this Act, shall be dissolved, and on and after that day no archbishop or bishop of the said Church shall be summoned to
 15 or be qualified to sit in the House of Lords as such; provided, that every present archbishop, bishop, and dean of the said Church shall during his life enjoy the same title and precedence as if this Act had not passed.

Dissolution
of eccle-
siastical cor-
porations,
and cessa-
tion of right
to sit in
House of
Lords.

Compensation to Persons deprived of Income.

- 20 **14.** The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes,
 25 except income or property tax, salaries of permanent curates employed as herein-after mentioned, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law; and the commissioners shall, as from the first day of January one thousand eight hundred and seventy-one, pay each year to every
 30 such holder so long as he lives, and continues to discharge such duties in respect of his said archbishopric, bishopric, benefice, or preferment as he was accustomed to discharge, or would, if this Act had not passed, have been liable to discharge, or any other spiritual duties in Ireland which may be substituted for them, with his own
 35 consent, and with the consent of the representative body of the said Church herein-after mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid.
- 40 A deduction shall be made under this section in respect of the salary of a permanent curate, where such curate has been or is serving as a curate on any day between the first day of January one

Compensa-
tion to eccle-
siastical
persons
other than
curates.

A.D. 1869. — thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive. The commissioners shall determine the cases in which a curate is to be deemed a permanent curate, having regard to the length or term of his service, to the nature and extent of the duties needful to be discharged in the benefice, and to the non-residence, or infirmity, or other incapacity of the incumbent, or his habitual employment of a curate to assist him as heretofore, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving: Provided always, that where deduction has been made under this section in respect of the salary of a permanent curate, and the salary of such curate ceases in the lifetime of the person in ascertaining whose yearly income such salary has been deducted as aforesaid, the commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation herein-after contained. 5 10 15

Compensation to curates.

15. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare, by order, the amount of yearly income received by any permanent curate who has been or is serving as such curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive, and shall pay to every such curate during his life an annuity equal to the amount of yearly income so ascertained as aforesaid, subject to the proviso that the annuity of such curate shall cease if, owing to his misconduct, without the incumbent's consent, he quit the curacy in respect of which the annuity is given to him, or by ill health or otherwise become incapable of discharging the duties of such curacy. 20 25 30

The commissioners may make to any curate who is not entitled to compensation as a permanent curate, and who is serving as a curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the said first day of January one thousand eight hundred and seventy-one, both inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount thereof do not exceed twenty-five pounds for every year during which he shall have served as a curate: Provided always, that in any case in which the period of service of any curate shall not amount to eight years, the commissioners may make up such gratuity to the sum of two hundred pounds: Provided also, that such gratuity shall in no case exceed the sum of six hundred pounds. 35 40

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued, the commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after making such deductions as aforesaid, and the commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge such duties as aforesaid an annuity equal to the amount of yearly income so ascertained as aforesaid. A.D. 1869.

10 **16.** The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars: Compensation to diocesan schoolmasters, clerks, and sextons.

15 (1.) The amount of yearly salary which each schoolmaster of any diocesan or district school in Ireland is entitled to receive under any warrant of the Lord Lieutenant in Council made under the provisions of the Act of the session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory amendment thereof.

20 (2.) The amount of yearly salary which each clerk and sexton respectively of any parish, chapelry, and chapel of ease in Ireland is entitled to receive, and of the emoluments of which he will be deprived by this Act:

and the commissioners shall every year, after the first of January one thousand eight hundred and seventy-one, pay to each such diocesan schoolmaster, clerk, and sexton respectively, so long as he lives and continues to perform the duties of his office personally or by sufficient deputy in the same school, church, or chapel, or any duties of the same kind which shall be assigned to him by the representative body of the Church herein-after mentioned, and which he will agree to perform, an annuity equal to the amount of his yearly salary and emoluments so ascertained as aforesaid.

17. The commissioners shall pay to any organist, stipendiary choirman, vergers, or other person holding an appointment in, or connected with, any church or chapel in the said Church, and who has held such office for two years before the first day of January one thousand eight hundred and seventy-one, and is holding the same on the said day, such sum by way of gratuity, not exceeding one year's salary, as they think fit; and where the said commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said commissioners under this Act, they may pay to any such person such Compensation to organists, vergers, and others.

A.D. 1869. further sum by way of compensation, either by a single payment or
 — by a life annuity, as they shall, with the consent of the Lords
 Commissioners of Her Majesty's Treasury, determine.

Compensa-
 tion to lay
 patrons.

18. The commissioners shall, as soon as may be after the passing
 of this Act, ascertain and, by order, declare the amount of com- 5
 pensation which ought to be paid to any person or body corporate
 who or which shall within three years therefrom make application
 in writing to this effect for or in respect of any advowson, right of
 presentation or nomination to any benefice or cathedral preferment,
 vested in or belonging to such person or body corporate, and affected 10
 by the provisions of this Act; and shall by and out of any monies
 for the time being in their hands pay to such person or body
 corporate the amount of such compensation so ascertained and
 declared as aforesaid. But Her Majesty shall not, nor shall any
 corporation, sole or aggregate, dissolved by this Act, nor shall any 15
 trustees, officers, or persons acting in a public capacity, be entitled
 to compensation for or in respect of any advowson, right of presen-
 tation, or nomination to any benefice or cathedral preferment vested
 in or belonging to Her Majesty, or such corporation, trustees,
 officers, or persons. 20

Powers of Church after passing of Act.

Repeal of |
 laws pro-
 hibiting
 holding of
 synods, &c.

19. From and after the passing of this Act there shall be
 repealed and determined any Act of Parliament, law, or custom
 whereby the archbishops, bishops, clergy, or laity of the said
 Church are prohibited from holding assemblies, synods, or conven- 25
 tions, or electing representatives thereto, for the purpose of making
 rules for the well-being and ordering of the said Church.

Existing law
 to subsist by
 contract.

20. Subject to any alteration which may be made after the said
 first day of January one thousand eight hundred and seventy-one
 by the members for the time being of the said Church or their 30
 representatives, the present ecclesiastical law of Ireland, and the
 present articles, doctrines, rites, rules, discipline, and ordinances of
 the said Church, shall be deemed to be binding on the members
 for the time being thereof to the same extent and in the same
 manner in all respects as if such persons had mutually con- 35
 tracted and agreed to abide by and observe the same, and shall be
 enforced in the temporal courts accordingly; but nothing herein
 contained shall be construed to confer on any archbishop, bishop,
 or other ecclesiastical person any coercive jurisdiction whatsoever.

Abolition of
 ecclesiastical
 courts and
 ecclesiastical
 law.

21. On and after the first day of January one thousand eight 40
 hundred and seventy-one all jurisdiction, whether voluntary, con-

A.D. 1869.

tentious, or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the time of the passing of this Act having any jurisdiction whatsoever exerciseable in any cause, suit, or matter, matrimonial, spiritual, or ecclesiastical, or in
 5 any way connected with or arising out of the ecclesiastical law of Ireland, shall cease; and on and after the said first day of January one thousand eight hundred and seventy-one the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, shall be repealed, and on and
 10 after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, shall cease to exist as law.

22. If at any time it be shown to the satisfaction of Her Majesty that the bishops, clergy, and laity of the said Church in
 15 Ireland, or the persons who, for the time being, may succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in communion with such persons, have by arrangement amongst themselves appointed any persons or body to represent the said Church, and to hold property for any of
 20 the uses or purposes thereof, it shall be lawful for Her Majesty by charter to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as is in this Act provided, but not further or otherwise.

Incorporation of church body.

Dealings between Commissioners and representative Church Body.

23. In the event of a representative corporate body, herein-after referred to as "the representative body of the said Church," being constituted in pursuance of this Act to represent the said Church, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid, or any curate entitled to an
 30 annuity under this Act, may after the first day of January one thousand eight hundred and seventy-one, apply to the commissioners to commute his annuity and the value of his life interest, if any, in any ecclesiastical property held by him in pursuance of this Act, exclusive of any income derived from pew rents and burial
 35 fees, for a capital sum; and the commissioners, if satisfied that such annuity and life interest is unincumbered, or, if incumbered, that the incumbencers consent to the commutation, and that the said representative body assent to such commutation, and also, in the case of a curate, that the incumbent (if any), from whose income
 40 the salary of such curate has been deducted as aforesaid assents, shall cause the then present value of such annuity and also of such

Redemption of annuities and life interest of ecclesiastical persons.

A.D. 1869. life interest, exclusive as aforesaid, to be estimated, and shall pay the amount of such estimated value to the representative body of the said Church, charged with the payment of the annuity in respect of which the capital sum is paid, so long as the annuitant requires such payment to be made; and upon such capital sum being paid, 5 the annuity of such applicant shall cease, and all the estate and interest of the said applicant in any such ecclesiastical property as aforesaid shall vest in the commissioners.

Any person having a life interest in ecclesiastical property in pursuance of this Act, although not the recipient of an annuity, 10 shall be deemed to be an annuitant for the purposes of this section, and such life interest may be valued and commuted accordingly.

Building charge to be paid on commutation of annuity.

24. When any annuity is commuted as aforesaid, the commissioners shall, as soon as may be, ascertain and by order declare the amount of any building charge to which the archbishop, bishop, 15 incumbent, or person holding such cathedral preferment, and therefore entitled to such annuity as aforesaid, or any person or persons claiming through or under him, may be entitled, after deducting such sum or sums of money (if any) as the commissioners may ascertain and declare to be just in respect of any dilapidations or 20 want of proper repair in any of the buildings subject to such charge, and the commissioners shall thereupon pay to such archbishop, bishop, or person holding such benefice or cathedral preferment, or any person or persons claiming as aforesaid (as the case may be), the principal sum (if any) so ascertained and declared to 25 be payable to him or them in respect of such building charge as aforesaid.

Enactments with respect to churches.

25. The following enactments shall be made with respect to churches vested in the commissioners under this Act:

- (1.) Where any church or ecclesiastical building appears to the 30 commissioners to be ruinous, or if a church to be wholly disused as a place of public worship, and not suitable for restoration as a place of public worship, and yet to be deserving of being maintained as a national monument by reason of its architectural character or antiquity, the commis- 35 sioners shall by order vest such church in the secretary of the Commissioners of Public Works in Ireland, to be held by such secretary, his heirs and assigns, upon trust for the Commissioners of Public Works, to be preserved as a national monument, and not to be used as a place of 40 public worship, and the commissioners shall ascertain, and by order declare what sum is in their judgment required

for maintaining as national monuments the churches and buildings so vested, and shall pay such sum accordingly to the said secretary, to be held upon trust for the said commissioners, and to be applied by them in maintaining the said churches.

(2.) Where any church is in actual use at the time of the passing of this Act, and the representative body of the said church, at any time within six months after the first of January one thousand eight hundred and seventy-one, apply to the commissioners stating that they require such church for religious purposes, or for the purpose of taking the same down and erecting or enlarging another church or churches in lieu thereof, the commissioners shall by order vest the church in the said representative body of the said church, subject to any life estate or interest that is existing therein.

(3.) Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said church within the said prescribed period, and such church was erected at the private expense of any person, the commissioners shall, on the application of the person who erected such church, if alive, or of his representatives if he died since the year one thousand eight hundred, by order vest such church in the applicant or applicants, or in such person or persons as he or they may direct:

(4.) Where any church vested in the commissioners under this Act is not disposed of under the preceding sections, the commissioners shall dispose of such church and the site thereof in such manner as they think expedient:

(5.) Where any church is vested in the representative body of the said church by order of the commissioners, any school-house belonging thereto or used in connexion therewith and by this Act vested in the commissioners shall be included in the said order.

(6.) No vesting order made under this section shall prejudice or affect the right of any person or persons to any vault or other place of burial within any church or ecclesiastical building, and every such vesting order shall be deemed to be subject thereto, and to all such other rights of sepulture therein as may be subsisting at the date of such order.

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Enactments
with respect
to burial
grounds.

26. The following enactments shall be made with respect to burial grounds vested in the commissioners :

- (1.) Where any church vested in the representative body of the said Church has a burial ground annexed or adjacent thereto, but not separated therefrom by any public high- 5 way, or that has been granted by a private donor to, or exclusively used by the parishioners attending the said church, such burial ground shall be included with the church in the order made by the commissioners, subject to any life estate or interest subsisting therein, and 10 pass to the said representative body accordingly, but without prejudice to such rights of or in respect of burial as may be subsisting therein, or may be thereafter declared to subsist therein by Act of Parliament :
- (2.) Where any church conveyed to the secretary to the commis- 15 sioners of public works for Ireland as aforesaid has a burial ground annexed or adjacent thereto, and also in every case other than those herein-before provided for in which a burial ground is vested in the commissioners under this Act, the commissioners shall vest such burial 20 ground in the guardians of the poor of the poor law union within which the same may be situate, to be held by such guardians for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, 25 being a burial board under the provisions of the Burial Act (Ireland), 1856, and the statutory amendments thereof for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by 30 Act of Parliament.

Enactments
with respect
to ecclesias-
tical resi-
dences.

27. Where any church is vested in the representative body of the said church in pursuance of this Act, and there is any ecclesiastical residence vested in the commissioners, which at the time of the passing of this Act or within six months prior thereto is 35 or has been occupied as a residence by any ecclesiastical person performing or aiding in the performance of the services in such church, or where such residence being a see house is or has been occupied by the archbishop or bishop of the see to which such residence belongs at the time of the passing of this Act, or within 40 six months prior thereto, the commissioners shall, on the application of the representative body of the said church by order vest in that body such ecclesiastical residence, with the garden

A.D. 1869.

and curtilage thereto, subject to such life estate or interest, if any, as may be then subsisting therein, upon payment to the commissioners of such sum as is herein-after mentioned, that is to say; where there is no building charge affecting the same, upon payment to the commissioners of a sum equal to ten times the amount of the annual value of the site of such ecclesiastical residence estimated as land, and of the said garden and curtilage, such value to be determined in case of disagreement by arbitration; and where there is a building charge affecting the same, on payment to the commissioners, of such one of the two sums herein-after mentioned as may be the smallest, that is to say, either the amount of such building charge or a sum equal to the value of such ecclesiastical residence, with the garden and curtilage thereto, taken at ten years purchase of the annual value as estimated by the general tenement valuation, such payment to be made, if there be no life estate or interest subsisting in such residence, to the commissioners at the time of the making of the said vesting order, but if there be a life estate or interest subsisting therein, then to be made to the commissioners or persons entitled thereto, in place of the commissioners, immediately after the determination of such life estate or interest.

Where the payment of the amount of any building charge or sum as aforesaid is deferred in pursuance of this section, the amount thereof shall be deemed to be a lien on the said ecclesiastical residence, and the garden and curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall not bear interest until the same becomes payable in pursuance of this section.

28. Where any ecclesiastical residence is by order of the commissioners vested in the representative body of the said church, the commissioners may on the application of the said body by order vest a further portion of land in the said body; that is to say,

Power to convey additional land to church body.

1. In the case of a see house a quantity of land not exceeding thirty acres, being land usually occupied with the said see house;
2. In the case of any other ecclesiastical residence a quantity of land not exceeding ten acres, being land usually occupied with the said ecclesiastical residence:

Provided always, that if the Commissioners shall be of opinion that for the convenient enjoyment of the said house or residence, or by reason of the severance which would otherwise take place, an additional quantity of land should be granted, they shall by order vest such additional land in the said body.

A.D. 1869.

There shall be paid to the said commissioners by the said representative body as the price of the land to be vested in them, in pursuance of this section, such sum as may be agreed upon or may be determined by arbitration.

Any vesting order made by the commissioners in pursuance of this section shall have annexed thereto a map accurately defining the land thereby vested.

Enactments
with respect
to private
endowments.

29. Where any real or personal property becoming vested in the commissioners by virtue of this Act consists or is the produce of property or monies given by private persons out of their own resources since the year sixteen hundred and sixty, or consists or is the produce of monies raised by private subscription since such last-mentioned year, and does not come within the description of a church or ecclesiastical residence in this Act otherwise provided for, the commissioners shall, on the application of the representative body of the said Church, by order vest such property, herein-after referred to as a private endowment, in that body, if they apply to the commissioners for the same within six months after the said first of January one thousand eight hundred and seventy-one, but if no such application is made by the said representative body of the said Church to the commissioners within the said period, the commissioners shall, in the case of an endowment by a private person, if such person be alive, by order vest the same in him on his application, and if such person died since the year one thousand eight hundred, then, on application of his real or personal representatives, by order vest the property in them, so that the application be made by such private person or his representatives within six months after the expiration of the said prescribed period, but if no application be made by the said representative body of the said Church, or by any person by this Act authorized to make the same, within the period prescribed for such representative body and person respectively, then the commissioners shall dispose of the endowments aforesaid in such manner as they think expedient.

Enactments
with respect
to mixed
endowments.

30. Where any real or personal property becoming vested in the commissioners, in pursuance of this Act, on the said first of January one thousand eight hundred and seventy-one, and coming within the description of a private endowment, consists of part of a house or other building, or of part of a field, or part of any property that cannot be conveniently divided, the commissioners shall ascertain and by order declare the annual value of the part which is private endowment and of the other part, and it shall be lawful for the

representative body of the said Church, or any person or body of persons authorized by this Act to apply for an order vesting a private endowment in him or them, to do one of the following things, either to require the whole of such property to be vested
 5 in him or them on payment to the commissioners of the value of such part of the property as does not consist of private endowment, or to require the commissioners to pay to such person or body of persons as aforesaid the value of such part of the property as consists of private endowment.

- 10 There shall be paid by or to the commissioners, according to circumstances, on account of any property in respect of which money is made payable under this section, such amount as may be determined by the commissioners, subject to arbitration as herein-after mentioned, not exceeding in the case of a building twelve times the
 15 annual value of the part in respect of which the money is payable or in case of any other description of property twenty-two times and a half the annual value of the part in respect of which the money is payable.

Management of Property by Commissioners.

- 20 **31.** No application under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands shall be made after the expiration of
 25 three years from the first day of January one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid :
- 30 In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance shall be done by the ecclesiastical commissioners for Ireland, such provision shall be construed as if the commissioners hereby constituted were named therein instead of such ecclesiastical
 35 commissioners.

Limitation
of right to
purchase
fee simple
in consider-
ation of
perpetual
rent.

- 32.** The commissioners may at any time after the first day of January one thousand eight hundred and seventy-one sell any
 rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of a sum
 40 equal to twenty-two and a half times the amount of such rentcharge; and upon any such sale being so made, the commissioners

Sale of
tithe rent-
charge to
owners of
land.

A.D. 1869. — shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

Upon the application of any owner so purchasing, the commissioners may, by order, declare his purchase money or any part thereof 5 to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the 10 pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rentcharge payable by him, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal 15 and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentcharge in lieu of tithes heretofore 20 payable out of the same lands.

“Owner” for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty chapter one hundred and nine. 25

Power of commissioners to sell their property.

33. The commissioners may at any time after the first of January one thousand eight hundred and seventy-one sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act, and to the following conditions : 30

- (1.) They shall not sell to the public any perpetual yearly rent issuing out of any land, or any right to mines or quarries, in any land where the fee simple of the land subject to such rent or right is vested in some person other than the commissioners, until they have given notice to the 35 owner of such land that they are willing to sell the same to him at the price herein-after mentioned, and the owner has declined to accept their offer :
- (2.) Perpetuity rents shall be offered to the owner of the land out of which they issue at a capital sum equal to twenty-five 40 times the annual amount of such rents :
- (3.) The price of the rights to mines or quarries shall be fixed by the commissioners by order :

A.D. 1869.

- (4.) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest :
- 5 (5.) They shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease or tenancy, until they have given notice to the lessee that they are willing to sell the fee simple to him for a price to be named by the commis-
- 10 sioners in such notice, and such lessee or tenant has declined to accept their offer ; and they shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease for twenty-one years or for three lives, or twenty-one
- 15 years, or for forty years, or for three lives, until the expiration of three years from the first day of January one thousand eight hundred and seventy-one :
- (6.) Notice shall be given to the owner, where such owner is known to the commissioners, by sending by post a letter
- 20 containing the terms of the offer addressed to him at his last known place of abode ; where he is not known, notice may be given by advertising the terms in the Dublin Gazette ; and in one or more local newspapers as the commissioners may determine :
- 25 (7.) An owner shall be deemed to have declined to accept the offer of the commissioners if he do not accept the same in writing, and pay or secure the purchase money to the commissioners within three months after the giving of such notice as aforesaid :
- 30 (8.) " Owner of land " for the purposes of this section shall include a " limited owner " as defined by the " Landed Property (Ireland) Improvement Act, 1860 ; " and any limited owner may raise the money required for any purchase under this section or any part thereof, by mortgage (at
- 35 a rate of interest not exceeding five pounds per centum per annum) of the land of which he is such limited owner as aforesaid.

34. All purchase monies, rents, and other monies whatsoever payable to the commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner as may from time to time be determined by the Commissioners of the Treasury.

Payment of
money into
bank.

A.D. 1869.

Accounts of
capital and
revenues.

35. The commissioners appointed under this Act shall prepare, in such form, and either annually or for such shorter periods as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period, to which the accounts relate, the commissioners shall transmit the same to the Comptroller and Auditor General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before the House of Commons not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting, then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

Regium Donum and College of Maynooth.

Compensa-
tion to non-
conforming
ministers.

36. When the annual parliamentary grant for the expenses of the non-conforming, seceding, and protestant dissenting ministers in Ireland, commonly called the Regium Donum, and in this Act referred to by that name, is discontinued, the commissioners shall as soon as may be after such discontinuance ascertain and declare by order the amount of the yearly sum theretofore received thereout by each minister of any Protestant non-conforming congregation in Ireland, or which he would have been entitled to receive if such grant had not been discontinued, and shall pay to each such minister, so long as he lives and is continued in the ministry, by and with the consent of the governing body of the church or religious community to which he may belong, an annuity equal to the yearly amount so ascertained as aforesaid.

The commissioners shall also on such discontinuance as aforesaid ascertain and declare by order the amount of any yearly sum to which any assistant successor to a minister in such congregation may be prospectively entitled, and shall secure to such successor a deferred life annuity of the same value and payable in the same

events as the yearly sum for which it is substituted. The commis-
 sioners shall also ascertain and declare by order what Protestant
 non-conforming congregations were on the first day of March one
 thousand eight hundred and sixty-nine fulfilling the conditions
 5 necessary for eventually obtaining out of the Regium Donum the
 payment of yearly sums for their respective ministers, and what
 would have been in each case the amount of such yearly payment,
 and the time at which the same would have begun to be payable,
 and shall as from that time pay to the minister of each such con-
 10 gregation a life annuity, subject to the same conditions as aforesaid,
 equal to the amount of the yearly payment which he would have
 become entitled to receive on the fulfilment of the necessary con-
 ditions, if the grant of the Regium Donum had not been discon-
 tinued : Provided always, that no minister placed in a congregation,
 15 or becoming assistant successor, for the first time after the passing
 of this Act shall be entitled to any annual sum by way of com-
 pensation.

A.D. 1869.

37. Any minister or assistant successor of any Protestant non-
 conforming congregation, to or for whom any annuity is paid or
 20 secured under this Act by reason of the discontinuance of the said
 grant called the Regium Donum, may apply to the commissioners
 to commute his annuity for a capital sum to be paid to him, and
 the said commissioners, if satisfied that the annuity of the applicant
 is not incumbered, or if incumbered that the incumbrancers consent
 25 to the commutation, shall cause the then present value of the
 annuity to be estimated, and shall pay the amount of such estimated
 value to trustees, such trustees to be appointed in the case of any
 such minister or assistant successor as aforesaid by such minister
 or assistant successor and the General Assembly or synod or pres-
 30 bytery, as the case may be, of the church or religious community to
 which such minister or assistant successor may belong.

Commu-
 tation of
 annuities
 of non-
 conformist
 ministers and
 professors at
 Belfast.

38. On and after the first day of January one thousand eight
 hundred and seventy-one, the Act of the fortieth year of the reign
 of His late Majesty King George the Third, chapter eighty-five,
 35 except the fourth and fifth sections thereof, the Act of the eighth
 and ninth years of the reign of Her present Majesty, chapter twenty-
 five, except the first three sections thereof, and the Act of the
 twenty-third and twenty-fourth years of the reign of Her said
 present Majesty, chapter one hundred and four, shall be and the
 40 same are hereby repealed, save in respect of any pecuniary and
 individual interests at present existing against the trustees.

Repeal of
 Maynooth
 Acts.
 Compensa-
 tion on the
 cessation of
 certain
 annual sums.

A.D. 1869.

When the annual sums herein-after mentioned cease to be paid, compensation shall be made in respect thereof by payment of capital sums as follows, that is to say :

- (1.) In respect of the annual sum paid out of the said Regium Donum to the fund for supporting the widows and orphans of ministers of the synod of Ulster, by payment of the capital sum herein-after mentioned to the Presbyterian Widows Fund Association. 5
- (2.) In respect of the several annual sums paid out of the Regium Donum to the said association, and also to the trustees of other widows' funds of certain Protestant non-conforming bodies respectively, such sums to be ascertained on an average of such number of years as the commissioners may think fit by payment of the capital sums herein-after mentioned to the said association and trustees of the said widows' funds respectively. 10 15
- (3.) In respect of the several sums paid annually by ministers in receipt of Regium Donum to the said widows' funds respectively out of their first year's income derived from the Regium Donum on such average as aforesaid, by payment of the capital sum herein-after mentioned to the said association and the said trustees respectively : 20
- (4.) In respect of the annual sum paid out of the Regium Donum to or on account of the clerks of the synod by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the moderator of the General Assembly or of the synod or presbytery for whose benefit such annual payment was heretofore made as aforesaid. 25
- (5.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors, and for the incidental expenses of the General Assembly's college at Belfast, by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the said professors and the moderator for the time being of the said General Assembly of the Presbyterian Church in Ireland, or by the majority of them. 30 35
- (6.) In respect of the buildings of the said college, a sum not exceeding fifteen thousand pounds to trustees to be appointed as last aforesaid.
- (7.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors of the non-subscribing associations of Presbyterians, by payment of the capital sum herein-after mentioned to trustees to be appointed in 40

each case by the professors and presidents of such associations. A.D. 1869.

- (8.) In respect of the annual sum paid during the financial year ending the thirty-first day of March one thousand eight hundred and sixty-nine to the trustees of the College of Maynooth in pursuance of the Act of Parliament in that behalf, by payment of the capital sum herein-after mentioned to the trustees of the said college.

The capital sum to be paid by the Commissioners in respect of each of the annual sums aforesaid shall be fourteen times the amount of each such annual sum.

39. Any sums of money remaining due from the trustees of the said College of Maynooth to the Commissioners of Public Works in Ireland, in respect of advances made by the said commissioners on the security of the sums payable to the said trustees under the sixth section of the said Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, shall be and the same are hereby released. Remission of debt to trustees of Maynooth.

Appeal.

40. The following rules shall be enacted with respect to appeals against the orders of the commissioners : Regulations as to appeal.

- (1.) Where any person feels aggrieved by the value set by the commissioners on any life interest or other interest in respect of which compensation is awarded to him under this Act, and where any person feels aggrieved by the value set by the commissioners on any advowson or right of presentation in respect of which he is awarded compensation under this Act, he may, if he think fit, refer such question to arbitration :
- (2.) Where any person feels aggrieved by any judgment or order of the commissioner in respect of any private endowment, he may appeal therefrom to the Court of Appeal in Chancery in Ireland, and the opinion of such court shall be conclusive, but save as aforesaid no appeal shall be had from any judgment or order of the commissioner.

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

41. The possession of the house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the said
- D
- [112.]

Possession to be given up of 24, Upper Merrion Street.

A.D. 1869. Ecclesiastical Commissioners, and all furniture and fittings therein, and also all books, accounts, deeds, maps, documents, and papers whatsoever at the date of this Act belonging to the said Ecclesiastical Commissioners, or under their control, or the control of any of their officers, shall immediately after the passing of this Act, be delivered up by the person or persons having charge of the same respectively to the commissioners.

Compensation to Ecclesiastical Commissioners and their officers.

42. There shall be paid to Arthur Edward Gayer and William Charles Quinn (two of the said Ecclesiastical Commissioners) the sum of one thousand pounds each during their natural lives respectively, and to Robert Franks (their secretary), to George Lefroy (their treasurer), to the solicitor, and to the several other officers and clerks of the said Ecclesiastical Commissioners whose services may not be required by the commissioners hereby constituted, such annual sums respectively as the said last-mentioned commissioners, with the assent of the Lord Lieutenant, may recommend, and shall be approved of by the Commissioners of the Treasury; and if the services of such officers are required by the commissioners hereby constituted, such services shall, for all purposes of superannuation, be deemed a continuance of their former services.

Compensation to vicars general and other officers by annuities equal to their average income for the three years ending 1st January 1870.

43. The commissioners shall ascertain and by order declare the amount of the fees or other emoluments received by each vicar-general, official principal, commissary-general, or chancellor, or registrar or joint registrar of any diocese or united dioceses or any peculiar or exempt jurisdiction in Ireland, or by the registrar of any cathedral corporation, or by the auditor appointed under the said Act of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, on an average of the three years ending the first day of January one thousand eight hundred and sixty-nine, and of which they may be deprived by this Act; and shall, as from the first day of January one thousand eight hundred and seventy-one, out of any funds for the time being in the hands of the commissioners under the provisions of this Act, pay to each such vicar-general, official principal, commissary-general, chancellor, or registrar and auditor respectively during his life, an annuity equal to the average amount of his fees and other emoluments ascertained as aforesaid: provided always, that in any case where a deputy registrar shall for five years before the passing of this Act have discharged the duty of the office of registrar, such deputy registrar shall receive from the commissioners such sum by way of compensation for the loss of his office as the commissioners shall think

A.D. 1869.

right, and such sum shall be deducted from the amount payable under this Act to the principal registrar: provided further, that it shall be lawful for such commissioners to grant to all managing and other clerks who have been continuously employed in the office of the said provincial or diocesan registry for five years or upwards immediately before the passing of this Act, and who may sustain any loss of emolument by reason of the passing of the same, such reasonable allowance as the said commissioners may deem just and proper.

10 *Delivery up of Documents.*

44. All and singular the records, books, accounts, deeds, maps, documents, and papers whatsoever which in anywise relate to or concern any of the property or premises vested or to become vested in the commissioners under any of the provisions of this Act shall, within three months next after the said first day of January one thousand eight hundred and seventy-one, be delivered up to the commissioners by the respective registrars of the several provincial and diocesan or united diocesan or other registries in Ireland, or other the officers then having the custody or possession of the same respectively.

Delivery up
of books by
registrars.

Dealings with Property.

45. It shall not be lawful for the commissioners to expend any money whatever in or about the building, rebuilding, or enlarging of any cathedral or other church, or any chapel, see-house, glebe-house, or other building belonging to the said church or any person holding office therein, or connected therewith, or in enlarging or improving any churchyard or graveyard, nor to grant or advance any money for the purposes aforesaid, or any of them.

Commis-
sioners not
to expend
moneys in
building.

46. It shall not be lawful for the commissioners, after the first day of January one thousand eight hundred and seventy-one, to expend any money whatever upon any such buildings, churchyard, or graveyard as aforesaid, whether for repairs or otherwise, nor in payment of salaries of clerks or sextons of any parish, chapelry, or chapel of ease who may be appointed after the passing of this Act, or in providing any church or chapel with fuel, lighting, or things necessary for the celebration of Divine service, nor to grant or advance any money for the purposes aforesaid, or any of them: Provided, that in the meantime, and until the said first day of January one thousand eight hundred and seventy-one, it shall be lawful for the commissioners to expend such sums of money as

Commission-
ers not to
expend
moneys in
repairs.

A.D. 1869.

they may ascertain, and by order declare, to be necessary for keeping any such buildings as aforesaid in substantial repair and preservation, or for providing any church or chapel with fuel, lighting, or other things requisite for the decent performance of Divine worship as heretofore in such church or chapel.

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Payment of
building
charge.

47. Nothing herein contained shall affect the right of any archbishop, bishop, or person holding any benefice or cathedral preferment in the said Church, and whose annuity has not been commuted in pursuance of this Act, to receive the amount of any building charge to which such archbishop, bishop, or other person would have been entitled if this Act had not passed; and in the event of the circumstances occurring under which such person or his representatives would have been entitled, if this Act had not passed, to receive such charge, the commissioners shall pay the same to such person or his representatives.

15

Regulations
as to payment
of commuta-
tion and
annuity.

48. Every annuity payable by the commissioners under this Act shall be deemed to accrue due from day to day, and shall be paid at such intervals not exceeding in any case six months, and in such manner as the commissioners may judge expedient.

The commissioners may deduct from any annuity payable by them any sums they may have been required to pay to any incumbrancer in respect of any charge which would have been payable out of the property for which such annuity is substituted if no substitution had taken place.

All commutation moneys paid under this Act in lieu of annuities shall be calculated at the rate of three pounds ten shillings per centum per annum.

Power of
commission-
ers to accept
mortgages as
security for
a portion of
purchase
money.

49. Where the commissioners sell any land or interest in land in pursuance of this Act, the commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of four per centum per annum, secured to the satisfaction of the commissioners; and any such purchase money may be made payable by half-yearly instalments, not exceeding sixty-four in number.

35

Power to
pay by
instalments.

50. Where the commissioners are authorized or required under this Act to pay any capital sum in respect of any commuted annuity they may, if they think fit, instead of paying such sum at once, elect to pay the same by half-yearly instalments, not exceeding eight in number, together with interest at the rate of three and a half pounds per cent. on any part of the capital for the time being remaining unpaid.

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Where the representative body of the said church is liable to pay any capital sum to the commissioners, such capital sum may be paid by twenty-two yearly instalments with interest at the rate of three and a half per cent. on the amount of the purchase money remaining unpaid, to be secured in such manner as the commissioners think expedient.

A.D. 1869.

51. If in any case in which the commissioners are by this Act authorized or directed to sell any property it appears to them to be expedient that the same should be sold, or the sale thereof carried out, in the Landed Estates Court in Ireland, it shall be lawful for the commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon such sale shall be effected or carried out in and by the said court accordingly; but any right of pre-emption herein-before declared shall be as far as possible presumed in the said court; and the conveyance of the premises so to be sold, or the sale of which may be carried out, under any such order, shall be executed by a judge of the said court, and shall have the same force and operation in all respects as if the same were so executed in a matter in which an absolute order for sale of the said premises had been duly made by the said court on a petition filed therein for that purpose.

Sales of
lands, &c.
may be made
in Landed
Estates
Court.

52. The vesting of any property in the commissioners under this Act shall not preclude any person entitled from recovering any arrears of rent, interest, or other sums payable at the time of such vesting, out of or in respect of such property, and such arrears, interest, or other sum may be recovered by such person in the same manner in all respects as if such vesting had not taken place; and where any person is deprived of any rent, interest, or other sum payable out of or in respect of property by reason of such property vesting in the commissioners under this Act, the commissioners, after deducting any rates or charges payable thereout, shall pay to such person a proportionate part of such rents, interest, and other sums in respect of the time that may have intervened between the last day at which such person was entitled to receive such rents, interest, or sums, and the time of the vesting of the property in the commissioners.

Saving
claim of
arrears of
rent, &c.

53. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free

Provision
for other
persons
under dis-
ability.

A.D. 1869. — from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estates if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

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Provision as to incapacitated owners.

54. If in any case any such advowson or building charge as is mentioned in this Act is so circumstanced as that there is not in the opinion of the commissioners any person competent to give an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the commissioners so to declare by order, and thereupon the compensation or amount so payable by the commissioners shall be paid into the Bank of Ireland, ex parte the commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland and dealt with in pursuance of the Land Clauses Consolidation Act, 1845; and in the construction of that Act this Act shall for the purposes of this section be deemed to be the special Act.

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Power for officers of commissioners to enter upon land.

55. Any surveyor or other person employed by the commissioners for the purpose of ascertaining the value of any land or buildings which, or the reversion of which, may be vested in the commissioners under this Act, may enter upon such land or buildings at all reasonable times during the day, upon making full compensation for any damage he may do for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the commissioners for the purpose of carrying this Act into effect.

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Power of the Commissioners to raise Money.

A.D. 1869.

56. The commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the commissioners may give as security for the repayment of any moneys so raised, and of interest thereon, the whole or any part of the property vested in them by this Act.

Commissioners to raise money for the purposes of the Act.

57. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time out, of any money in their hands under the Act of the session of the twenty-sixth and twenty-seventh years of Her Majesty (chapter eighty-seven), "to consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty (chapter fourteen), "to grant additional facilities for depositing small savings at interest with the security of the Government for due repayment thereof," or under both those Acts, advance to the commissioners, with such guarantee as is by this Act authorized (but not otherwise), the whole or any part or parts of the money which by this Act the commissioners are authorized to raise.

Power for Treasury to advance money to Commissioners.

58. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the commissioners in pursuance of this Act.

Power for Treasury to guarantee advance to commissioners.

59. Any security given by the commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Majesty's Treasury may approve, and there shall be certified thereon, in such form as the said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned commissioners in pursuance of this Act.

Form of security and guarantee.

60. For the purpose of giving effect to the guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury, from time to time, in aid of any money applicable under this Act, for payment of principal and interest for the time being accrued due in respect of any moneys raised by the commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such

Guarantee to be based on Consolidated Fund.

A.D. 1869. — sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively.

Repayment
to Consoli-
dated Fund.

61. In case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid out to the said Consolidated Fund out of the funds in the hands of the commissioners.

Temporary Provisions.

Rules as to
arbitration.

62. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act with respect to the settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that, in cases where the Board of Trade is thereby authorized to appoint an umpire, the Commissioners of Public Works in Ireland shall have power to appoint the same.

Regulation
as to
vacancies.

63. If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church between the date of the passing of this Act and the first day of January one thousand eight hundred and seventy-one, the following enactments shall be made with respect to such vacancy :

(1.) All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any such vacant archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any person holding any such archbishopric, bishopric, benefice, or cathedral preferment, shall vest in the commissioners, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same :

(2.) Her Majesty may in the case of a vacant archbishopric, on the requisition of any three bishops of the province, and in the case of a bishop, on the requisition of the archbishop of the province in which such bishopric is situate, or of any three bishops of the same province, fill up the vacancy ; but no archbishop or bishop so appointed shall be summoned to or be qualified to sit in the House of Lords, and he shall be subject to the provisions herein-after mentioned :

(3.) In the case of any vacant benefice or cathedral preferment, such vacancy may be filled up by the same person

or persons who would have been qualified to fill up the same if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned :

A.D. 1869.

- 5 (4.) Every person appointed to fill any vacancy in pursuance of this section shall be subject to all the provisions of this Act, and he shall not be entitled to any compensation in respect of any annuity or other interest of which he may be deprived by virtue of this Act :
- 10 Provided always, that if the owner of any archbishopric, bishopric, benefice, or cathedral preferments be appointed to fill a vacancy in any other archbishopric, bishopric, benefice, or other cathedral preferments, such person notwithstanding such appointment shall still have and retain all such life estate or interest, and all the rights
- 15 and privileges to which he would have been entitled if he had not accepted such appointment.

- (5.) The commissioners may pay to any person appointed to fill a vacancy in pursuance of this section, during such time as he may occupy his office between the date of the
- 20 passing of this Act and the said first January one thousand eight hundred and seventy-one, a sum equal, as nearly as the commissioners can determine, to the net annual income of the archbishopric, bishopric, benefice, or cathedral preferment to which he is appointed, or a proportionate part thereof, according as he holds his office
- 25 for the whole time or a portion only of such time.

Surplus.

64. When it appears to the commissioners that they have fulfilled all the directions contained in this Act, and that the objects
- 30 of this Act have been fully attained, or that adequate provisions have been made for effectuating the same, the commissioners shall so report to Her Majesty, and thereupon it shall be lawful for Her Majesty, by order in council, to direct that, subject to all subsisting charges upon the ecclesiastical property then vested in commis-
- 35 sioners, whether such charges may exist previously to the passing of this Act, or may be created under any of the provisions of this Act, such property shall be applied, under the management and control of the Poor Law Commissioners for Ireland, to the following purposes, or any of them ; that is to say,
- 40 (1.) The support of infirmaries, hospitals, and lunatic asylums, in exoneration of the grand jury cess, or other assessment in lieu thereof.

Ultimate
trust of
surplus.

A.D. 1869.

- (2.) The support of reformatory and industrial schools under the Reformatory and Industrial Schools (Ireland) Acts, in aid of other grants for that purpose.
- (3.) The salaries of trained or skilled nurses for poor persons in sickness or in labour. 5
- (4.) The suitable education and maintenance of the blind, and of the deaf and dumb poor in separate asylums.
- (5.) The suitable care, training, and maintenance, in separate asylums, of poor persons of weak intellect not requiring to be kept under restraint. 10

The commissioners may from time to time during their trust report to Her Majesty whether there is any income available for the purposes mentioned in this section, and upon such report being made, it shall be lawful for Her Majesty by order in council to direct such available portion of income to be applied for the 15 aforesaid purposes, or any of them, under such management and control as aforesaid.

Saving Clauses.

Provision
as to Acts
relating to
United
Church of
England and
Ireland.

65. In all enactments, deeds, and other documents in which mention is made of the United Church of England and Ireland, the 20 enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of Ireland, but, as to the last-mentioned Church, subject to the provisions of this Act.

Saving
rights as to
proprietary
chapels and
chapels of
ease.

66. Nothing in this Act contained shall affect the patronage or 25 right of presentation to any proprietary church or endowed chapel of ease, or affect the property in any such church or chapel, or the property held for the purposes of or appropriated to the use of the same, or affect the continuance of the trust relating thereto as originally constituted. 30

Saving of
Act of
39 & 40 G. 3.
c. 67.

67. Nothing herein contained shall affect the Act of the session of the thirty-ninth and fortieth years of the reign of King George the Third, chapter sixty-seven, and intituled "An Act for the Union of Great Britain and Ireland," or an Act of the Irish Parliament passed in the fortieth year of the reign of King George the Third, 35 and also intituled "An Act for the Union of Great Britain and Ireland," or anything done thereby, except in so far as relates to the union of the Churches of England and Ireland, and except as expressly herein-before provided.

Construction of Act.

A.D. 1869.

68. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; (that is to say,)

Interpreta-
tion.

- 5 "Lord Lieutenant" shall mean and include the lords justices or other chief governors or governor of Ireland : "Lord Lieu-
tenant :"
- "Lease" shall include an agreement for a lease, or other contract of tenancy, and the estate or interest created or agreed to be created thereby : "Lease :"
- 10 "Ecclesiastical person" shall mean and include any archbishop or bishop, or person holding any benefice or cathedral preferment as herein-after defined : "Ecclesias-
tical per-
son :"
- "Church" shall include a public chapel or chapel of ease, also a cathedral or collegiate church : "Church :"
- 15 "Benefice" shall mean and include every parish, rectory, vicarage, perpetual curacy, donative, chantry, endowed public chapel, parochial chapelry, and chapelry or district annexed or reputed to be annexed, to any church or chapel, and whether the same be or be not within any exempt or peculiar jurisdiction : "Benefice :"
- 20 "Glebe house" shall mean a house of residence belonging to any benefice as herein-before defined : "Glebe
house :"
- "Cathedral preferment" shall mean and include every deanery, archdeaconry, prebend, canonry, chaplaincy, office of minor canon, chantry, office of priest vicar, vicar choral or choirman, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church : "Cathedral
preferment :"
- 25 "Cathedral corporation" shall mean any dean and chapter or chapter, and also any corporation of minor canons, or vicars and choirmen, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Ireland : "Cathedral
corporation :"
- 30 "Curate" shall include residentiary preacher : "Curate :"
- "Property" shall include things in action and rights of action. "Property :"
- "Jurisdiction" shall mean legal and coercive power, and shall not extend to or include any power or authority which may be exercised in a voluntary religious association, upon the footing of mutual contract or agreement. "Jurisdic-
tion."
- 40

Irish Church.

A

B I L L

[AS AMENDED IN COMMITTEE]

To put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth.

(Prepared and brought in by
Mr. Dodson, Mr. Gladstone, Mr. John Bright,
Mr. Chichester Fortescue, and
Mr. Attorney General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
7 May 1869.*

[Bill 112.]

Under 5 a.

Irish Church Bill.

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION AS
AMENDED.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. Dissolution of legislative union between Churches of England and Ireland.

Constitution and Powers of Commissioners.

3. Appointment of commissioners.
4. Quorum of commissioners.
5. Appointment of officers.
6. Salaries and expenses.
7. Powers of commissioners.
8. Forms of application, and general rules.
9. Duration of office, and restriction on sitting in Parliament.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

10. Prohibition of future appointments.
11. Property of Ecclesiastical Commissioners vested in commissioners under Act.
12. Church property vested in commissioners under Act.
13. Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords.

Compensation to Persons deprived of Income.

14. Compensation to ecclesiastical persons other than curates.
15. Compensation to curates.

[Bill 123.]

A

Clause.

16. Compensation to diocesan schoolmasters, clerks, and sextons.
17. Compensation to organists, vergers, and others.
18. Compensation to lay patrons.

Powers of Church after passing of Act.

19. Repeal of laws prohibiting holding of synods, &c.
20. Existing law to subsist by contract.
21. Abolition of ecclesiastical courts and ecclesiastical law.
22. Incorporation of church body.

Dealings between Commissioners and representative Church Body.

23. Redemption of annuities and life interest of ecclesiastical persons.
24. Building charge to be paid on commutation of annuity.
25. Enactments with respect to churches.
26. Enactments with respect to burial grounds.
27. Enactments with respect to ecclesiastical residences.
28. Power to convey additional land to church body.
29. Enactments with respect to private endowments.
30. Enactments with respect to mixed endowments.

Management of Property by Commissioners.

31. Limitation of right to purchase fee simple in consideration of perpetual rent.
32. Sale of tithe rentcharge to owners of land.
33. Commissioners may purchase surrender or assignment of lease.
34. Power of commissioners to sell their property.
35. Payment of money into bank.
36. Accounts of capital and revenues.

Regium Donum and College of Maynooth.

37. Compensation to nonconforming ministers.
38. Commutation of annuities of nonconformist ministers and professors at Belfast.
39. Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums.
40. Remission of debt to trustees of Maynooth.

Appeal.

41. Regulations as to appeal.
-

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

Clause.

- 42. Possession to be given up of 24, Upper Merrion Street.
- 43. Compensation to Ecclesiastical Commissioners and their officers.
- 44. Compensation to vicars-general and other officers by annuities equal to their average income for the three years ending 1st January 1870.
- 45. Benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin.

Delivery up of Documents.

- 46. Delivery up of books by registrars.

Dealings with Property.

- 47. Commissioners not to expend monies in building.
- 48. Commissioners not to expend monies in repairs.
- 49. Payment of building charge.
- 50. Regulations as to payment of commutation and annuity.
- 51. Power of commissioners to accept mortgages as security for a portion of purchase money.
- 52. Power to pay by instalments.
- 53. Sales of lands, &c. may be made in Landed Estates Court.
- 54. Saving claim of arrears of rent, &c.
- 55. Provision for other persons under disability.
- 56. Provision as to incapacitated owners.
- 57. Power for officers of commissioners to enter upon land.

Power of the Commissioners to raise Money.

- 58. Commissioners to raise money for the purposes of the Act.
- 59. Power for Treasury to advance money to commissioners.
- 60. Power for Treasury to guarantee advance to commissioners.
- 61. Form of security and guarantee.
- 62. Guarantee to be based on Consolidated Fund.
- 63. Repayment to Consolidated Fund.
- 64. Moveable chattels belonging to see or church.
- 65. Rules as to arbitration.

Temporary Provisions.

- 66. Regulation as to vacancies.

Surplus.

Clause.

67. Ultimate trust of surplus.

Saving Clauses.

68. Provision as to Acts relating to United Church of England and Ireland.

69. Saving rights as to proprietary chapels and chapels of ease.

70. Saving of Act of 39 & 40 G. 3. c. 67.

*Construction of Act.*71. Interpretation.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
CONSIDERATION AS AMENDED]

TO

Put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth. A.D. 1869.

WHEREAS it is expedient that the union created by Act of Parliament between the Churches of England and Ireland, as by law established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by law, and that after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be held and applied for the advantage of the Irish people, but not for the maintenance of any church or clergy or other ministry, nor for the teaching of religion :

And it is further expedient that the said property, or the proceeds thereof, should be appropriated mainly to the relief of unavoidable calamity and suffering, yet so as not to cancel or impair the obligations now attached to property under the Acts for the relief of the poor :

And whereas Her Majesty has been graciously pleased to signify that she has placed at the disposal of Parliament her interest in the several archbishoprics, bishoprics, benefices, cathedral preferments, and other ecclesiastical dignities and offices in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Irish Church Act, 1869." Short title.

2. On and after the first day of January one thousand eight hundred and seventy-one, the said union created by Act of Parliament between the Churches of England and Ireland shall be dissolved.

[Bill 123.]

A 3

Dissolution
of legislative
union be-
tween
Churches of

A.D. 1869. dissolved, and the said Church of Ireland, herein-after referred to as
 England and Ireland. “the said church” shall cease to be established by law.

Constitution and Powers of Commissioners.

Appoint-
ment of
commis-
sioners.

3. The following persons, that is to say, Viscount Monck, Right Honourable James Anthony Lawson, one of the justices of the Court of Common Pleas in Ireland, and George Alexander Hamilton, esquire, shall be constituted commissioners under this Act: they shall hold office during Her Majesty’s pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by warrant under the royal sign manual, appoint some other fit person to fill the vacancy. The commissioners appointed under this Act shall be a body corporate with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled “The Commissioners of Church Temporalities in Ireland.”

Judicial notice shall be taken by all courts of justice of the corporate seal of the commissioners, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

Quorum of
commis-
sioners.

4. Any power or act by this Act vested in or authorized to be done by the commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one commissioner may require his case to be heard by two commissioners at least.

Appoint-
ment of
officers.

5. The said commissioners, herein-after referred to as “the commissioners,” may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and such agents, clerks, messengers, and officers as they deem necessary for the purposes of this Act.

They may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act.

Salaries and
expenses.

6. The following sums shall be paid by the commissioners out of any monies for the time being in their hands in pursuance of this Act:

- (1.) To every commissioner appointed in pursuance of this Act a salary of not exceeding two thousand pounds a year:
- (2.) To the secretary, agents, clerks, messengers, and officers appointed, such salaries as the commissioners may recommend, with the sanction of the Lord Lieutenant and as the Commissioners of Her Majesty’s Treasury may approve:

(3.) To any architect, actuary, surveyor, or other person as aforesaid employed by the commissioners, such remuneration, on a scale to be approved by the Commissioners of the Treasury, as the commissioners may think expedient : A.D. 1869.

5 (4.) All incidental expenses of carrying this Act into execution.

7. Subject to such appeal as is herein-after mentioned, the commissioners shall have full power to decide all questions whatsoever, whether of law or fact, which they may deem it expedient or necessary to decide for the purposes of this Act, and they shall not be subject Powers of commissioners.
10 to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The commissioners with respect to the following matters, that is to say,

15 (1.) Enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents :

(2.) Issuing any commission for the examination of witnesses :

20 (3.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt :

(4.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act, shall have all such powers, rights, and privileges as are vested
25 in the High Court of Chancery in Ireland for such or the like purposes, and all proceedings before the commissioners shall in law be deemed to be judicial proceedings before a court of record.

The commissioners may review and rescind or vary any order or decision previously made by them or any of them ; but save as aforesaid, and as herein-after provided, every order or decision of the
30 said commissioners shall be final.

8. The commissioners shall circulate forms of application and directions as to the mode in which applications are to be made to them under this Act. Forms of application, and general rules.

35 They shall also from time to time make, and when made may rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act, and giving effect to the provisions.

40 Such general rules shall be enrolled in the High Court of Chancery in Ireland within one month after the making of the same.

A.D. 1869.

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

5

Duration of office, and restriction on sitting in Parliament.

9. No commissioner and no person appointed to any office by the commissioners shall hold his office for a longer period than ten years next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

Prohibition of future appointments.

10. Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty or any other person or corporation by virtue of any right of patronage or power of appointment now existing to any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church.

15

Property of Ecclesiastical Commissioners vested in commissioners under Act.

11. From and after the passing of this Act all property, real and personal, at the date of such passing vested in or belonging to the Ecclesiastical Commissioners for Ireland, is transferred to and vested in the commissioners appointed under this Act, subject to all tenancies, charges, incumbrances, rights, (including tenants' rights of renewal,) or liabilities affecting the same, and the corporation of the Ecclesiastical Commissioners for Ireland is hereby dissolved.

25

Church property vested in commissioners under Act.

12. On the first of January one thousand eight hundred and seventy-one, save as herein-after provided, all property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any cathedral corporation in Ireland, as defined by this Act, shall vest in the commissioners, subject as herein-after mentioned; that is to say,

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35

(1.) In case of all such property, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:

(2.) In the case of any houses, buildings, farms, lands, churches, burial grounds, or other corporeal hereditaments to which,

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or to the rent and profits of which, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid may be entitled, subject to the life interests of such archbishop, bishop, or person respectively; and such last-mentioned corporeal hereditaments shall, subject to the provision for commutation herein-after contained, continue in such archbishop, bishop, or person respectively for their respective lives, in the same manner as if this Act had not passed.

- 10 **13.** On the said first of January one thousand eight hundred and seventy-one every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland, as defined by this Act, shall be dissolved, and on and after that day no archbishop or bishop of the said Church shall be summoned to
 15 or be qualified to sit in the House of Lords as such; provided, that every present archbishop, bishop, and dean of the said Church shall during his life enjoy the same title and precedence as if this Act had not passed.

A.D. 1869.
 —
 Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords.

Compensation to Persons deprived of Income.

- 20 **14.** The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes,
 25 except income or property tax, salaries of permanent curates employed as herein-after mentioned, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law; and the commissioners shall, as from the first day of January one thousand eight hundred and seventy-one, pay each year to every
 30 such holder so long as he lives, and continues to discharge such duties in respect of his said archbishopric, bishopric, benefice, or preferment as he was accustomed to discharge, or would, if this Act had not passed, have been liable to discharge, or any other spiritual duties in Ireland which may be substituted for them, with his own
 35 consent, and with the consent of the representative body of the said Church herein-after mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid.
- 40 A deduction shall be made under this section in respect of the salary of a permanent curate, where such curate has been or is serving as a curate on any day between the first day of January one

Compensation to ecclesiastical persons other than curates.

A.D. 1869. — thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive. The commissioners shall determine the cases in which a curate is to be deemed a permanent curate, having regard to the length or term of his service, to the nature and extent of the duties needful to be discharged in the benefice, and to the non-residence, or infirmity, or other incapacity of the incumbent, or his habitual employment of a curate to assist him as heretofore, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving : Provided always, that where deduction has been made under this section in respect of the salary of a permanent curate, and the salary of such curate ceases in the lifetime of the person in ascertaining whose yearly income such salary has been deducted as aforesaid, the commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation herein-after contained. 5 10 15

Compensation to curates.

15. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare, by order, the amount of yearly income received by any permanent curate who has been or is serving as such curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive, and shall pay to every such curate during his life an annuity equal to the amount of yearly income so ascertained as aforesaid, subject to the proviso that the annuity of such curate shall cease if, owing to his misconduct, without the incumbent's consent, he quit the curacy in respect of which the annuity is given to him, or by ill health or otherwise become incapable of discharging the duties of such curacy. 20 25 30

The commissioners may make to any curate who is not entitled to compensation as a permanent curate, and who is serving as a curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the said first day of January one thousand eight hundred and seventy-one, both inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount thereof do not exceed twenty-five pounds for every year during which he shall have served as a curate : Provided always, that in any case in which the period of service of any curate shall not amount to eight years, the commissioners may make up such gratuity to the sum of two hundred pounds : Provided also, that such gratuity shall in no case exceed the sum of six hundred pounds. 35 40

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued, the commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after making such deductions as aforesaid, and the commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge such duties as aforesaid an annuity equal to the amount of yearly income so ascertained as aforesaid. A.D. 1869.

10 16. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars: Compensation to diocesan schoolmasters, clerks, and sextons.

15 (1.) The amount of yearly salary which each schoolmaster of any diocesan or district school in Ireland is entitled to receive under any warrant of the Lord Lieutenant in Council made under the provisions of the Act of the session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory amendment thereof.

20 (2.) The amount of yearly salary which each clerk and sexton respectively of any parish, chapelry, and chapel of ease in Ireland is entitled to receive, and of the emoluments of which he will be deprived by this Act:

and the commissioners shall every year, after the first of January one thousand eight hundred and seventy-one, pay to each such diocesan schoolmaster, clerk, and sexton respectively, so long as he lives and continues to perform the duties of his office personally or by sufficient deputy in the same school, church, or chapel, or any duties of the same kind which shall be assigned to him by the representative body of the Church herein-after mentioned, and which he will agree to perform, an annuity equal to the amount of his yearly salary and emoluments so ascertained as aforesaid.

35 17. The commissioners shall pay to any organist, stipendiary choirman, vergers, or other person holding an appointment in, or connected with, any church or chapel in the said Church, and who has held such office for two years before the first day of January one thousand eight hundred and seventy-one, and is holding the same on the said day, such sum by way of gratuity, not exceeding one year's salary, as they think fit; and where the said commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said commissioners under this Act, they may pay to any such person such Compensation to organists, vergers, and others.

A.D. 1869. — further sum by way of compensation, either by a single payment or by a life annuity, as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine.

Compensation to lay patrons.

18. The commissioners shall, as soon as may be after the passing of this Act, ascertain and, by order, declare the amount of compensation which ought to be paid to any person or body corporate who or which shall within three years therefrom make application in writing to this effect for or in respect of any advowson, right of presentation or nomination to any benefice or cathedral preferment, vested in or belonging to such person or body corporate, and affected by the provisions of this Act; and shall by and out of any monies for the time being in their hands pay to such person or body corporate the amount of such compensation so ascertained and declared as aforesaid. But Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or persons acting in a public capacity, be entitled to compensation for or in respect of any advowson, right of presentation, or nomination to any benefice or cathedral preferment vested in or belonging to Her Majesty, or such corporation, trustees, officers, or persons. .

Powers of Church after passing of Act.

Repeal of laws prohibiting holding of synods, &c.

19. From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom whereby the archbishops, bishops, clergy, or laity of the said Church are prohibited from holding assemblies, synods, or conventions, or electing representatives thereto, for the purpose of making rules for the well-being and ordering of the said Church.

Existing law to subsist by contract.

20. Subject to any alteration which may be made after the said first day of January one thousand eight hundred and seventy-one by the members for the time being of the said Church or their representatives, the present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, shall be deemed to be binding on the members for the time being thereof to the same extent and in the same manner in all respects as if such persons had mutually contracted and agreed to abide by and observe the same, and shall be enforced in the temporal courts accordingly; but nothing herein contained shall be construed to confer on any archbishop, bishop, or other ecclesiastical person any coercive jurisdiction whatsoever.

Abolition of ecclesiastical courts and ecclesiastical law.

21. On and after the first day of January one thousand eight hundred and seventy-one all jurisdiction, whether voluntary, con-

A.D. 1869.

tentious, or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the time of the passing of this Act having any jurisdiction whatsoever exerciseable in any cause, suit, or matter, matrimonial, spiritual, or ecclesiastical, or in
 5 any way connected with or arising out of the ecclesiastical law of Ireland, shall cease; and on and after the said first day of January one thousand eight hundred and seventy-one the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, shall be repealed, and on and
 10 after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, shall cease to exist as law.

22. If at any time it be shown to the satisfaction of Her Majesty that the bishops, clergy, and laity of the said Church in
 15 Ireland, or the persons who, for the time being, may succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in communion with such persons, have by arrangement amongst themselves appointed any persons or body to represent the said Church, and to hold property for any of
 20 the uses or purposes thereof, it shall be lawful for Her Majesty by charter to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as is in this Act provided, but not further or otherwise.

Incorporation of church body.

Dealings between Commissioners and representative Church Body.

25 23. In the event of a representative corporate body, herein-after referred to as "the representative body of the said Church," being constituted in pursuance of this Act to represent the said Church, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid, or any curate entitled to an
 30 annuity under this Act, may after the first day of January one thousand eight hundred and seventy-one, apply to the commissioners to commute his annuity and the value of his life interest, if any, in any ecclesiastical property held by him in pursuance of this Act, exclusive of any income derived from pew rents and burial
 35 fees, for a capital sum; and the commissioners, if satisfied that such annuity and life interest is unincumbered, or, if incumbered, that the incumbrancers consent to the commutation, and that the said representative body assent to such commutation, and also, in the case of a curate, that the incumbent (if any), from whose income
 40 the salary of such curate has been deducted as aforesaid assents, shall cause the then present value of such annuity and also of such

Redemption of annuities and life interest of ecclesiastical persons.

A.D. 1869. life interest, exclusive as aforesaid, to be estimated, and shall pay the amount of such estimated value to the representative body of the said Church, charged with the payment of the annuity in respect of which the capital sum is paid, so long as the annuitant requires such payment to be made, but with power to the representative 5 body of the said Church to make such arrangements in respect of the commuted value of the annuity with the annuitant, and as to the disposal of such portion thereof, as shall after such arrangements be applicable to church purposes, as shall to such body seem fit; and upon such capital sum being paid, the annuity of such appli- 10 cant shall cease, and all the estate and interest of the said applicant in any such ecclesiastical property as aforesaid shall vest in the commissioners.

Any person having a life interest in ecclesiastical property in pursuance of this Act, although not the recipient of an annuity, 15 shall be deemed to be an annuitant for the purposes of this section, and such life interest may be valued and commuted accordingly.

Building
charge to be
paid on
commuta-
tion of
annuity.

24. When any annuity is commuted as aforesaid, the commis- sioners shall, as soon as may be, ascertain and by order declare the amount of any building charge to which the archbishop, bishop, 20 incumbent, or person holding such cathedral preferment, and there- tofore entitled to such annuity as aforesaid, or any person or persons claiming through or under him, may be entitled, after deducting such sum or sums of money (if any) as the commissioners may ascertain and declare to be just in respect of any dilapidations or 25 want of proper repair in any of the buildings subject to such charge, and the commissioners shall thereupon pay to such arch- bishop, bishop, or person holding such benefice or cathedral prefer- ment, or any person or persons claiming as aforesaid (as the case may be), the principal sum (if any) so ascertained and declared to 30 be payable to him or them in respect of such building charge as aforesaid.

Enactments
with respect
to churches.

25. The following enactments shall be made with respect to churches vested in the commissioners under this Act:

- (1.) Where any church or ecclesiastical building appears to the 35 commissioners to be ruinous, or if a church to be wholly dis- used as a place of public worship, and not suitable for re- storation as a place of public worship, and yet to be deserving of being maintained as a national monument by reason of its architectural character or antiquity, the commis- 40 sioners shall by order vest such church in the secretary of the Commissioners of Public Works in Ireland, to be

held by such secretary, his heirs and assigns, upon trust for the Commissioners of Public Works, to be preserved as a national monument, and not to be used as a place of public worship, and the commissioners shall ascertain, and by order declare what sum is in their judgment required for maintaining as national monuments the churches and buildings so vested, and shall pay such sum accordingly to the said secretary, to be held upon trust for the said commissioners, and to be applied by them in maintaining the said churches.

(2.) Where any church is in actual use at the time of the passing of this Act, and the representative body of the said church, at any time within six months after the first of January one thousand eight hundred and seventy-one, apply to the commissioners stating that they require such church for religious purposes, or for the purpose of taking the same down and erecting or enlarging another church or churches in lieu thereof, the commissioners shall by order vest the church in the said representative body of the said church, subject to any life estate or interest that is existing therein.

(3.) Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said church within the said prescribed period, and such church was erected at the private expense of any person, the commissioners shall, on the application of the person who erected such church, if alive, or of his representatives if he died since the year one thousand eight hundred, by order vest such church in the applicant or applicants, or in such person or persons as he or they may direct :

(4.) Where any church vested in the commissioners under this Act is not disposed of under the preceding sections, the commissioners shall dispose of such church and the site thereof in such manner as they think expedient :

(5.) Where any church is vested in the representative body of the said church by order of the commissioners, any school-house belonging thereto or used in connexion therewith and by this Act vested in the commissioners shall be included in the said order.

(6.) No vesting order made under this section shall prejudice or affect the right of any person or persons to any vault or

A.D. 1869.

Enactments
with respect
to burial
grounds.

other place of burial within any church or ecclesiastical building, and every such vesting order shall be deemed to be subject thereto, and to all such other rights of sepulture therein as may be subsisting at the date of such order.

26. The following enactments shall be made with respect to 5
burial grounds vested in the commissioners :

- (1.) Where any church vested in the representative body of the said Church has a burial ground annexed or adjacent thereto, but not separated therefrom by any public highway, or that has been granted by a private donor to, or exclusively used by the parishioners attending the said church, such burial ground shall be included with the church in the order made by the commissioners, subject to any life estate or interest subsisting therein, and pass to the said representative body accordingly, but 15
without prejudice to such rights of or in respect of burial as may be subsisting therein, or may be thereafter declared to subsist therein by Act of Parliament ; or shall, at the option of the said representative body, vest such burial ground in the guardians of the poor law union 20
within which the same may be situate, subject to a right of way in the said representative body, and the clergy and congregation attending the said church, and such other persons as may resort thereto for the purpose of divine worship, or for the purpose of repairing the said church, or 25
for any other lawful purpose ; and such guardians shall not allow any funeral to take place during the usual time of the ordinary services in the said church, and shall make such other regulations as may be found necessary from time to time to prevent any interference by persons attend- 30
ing funerals with the clergy or congregation attending the said church, and shall keep the wall or other fence, and the gates or doors of, and any road or path through, such burial ground to the church situate therein in good and sufficient repair, and shall, as far as may be consistently 35
with the provisions herein-before contained, hold such burial ground for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of 'The Burial 40
Act (Ireland) 1856,' and the statutory amendments thereof, for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such

order, or may thereafter be declared to subsist therein by Act of Parliament. A.D. 1869.

(2.) Where any church conveyed to the secretary to the commissioners of public works for Ireland as aforesaid has a burial ground annexed or adjacent thereto, and also in every case other than those herein-before provided for in which a burial ground is vested in the commissioners under this Act, the commissioners shall vest such burial ground in the guardians of the poor of the poor law union within which the same may be situate, to be held by such guardians for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of the Burial Act (Ireland), 1856, and the statutory amendments thereof for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament.

27. Where any church is vested in the representative body of the said church in pursuance of this Act, and there is any ecclesiastical residence vested in the commissioners, which at the time of the passing of this Act or within six months prior thereto is or has been occupied as a residence by any ecclesiastical person performing or aiding in the performance of the services in such church, or where such residence being a see house is or has been occupied by the archbishop or bishop of the see to which such residence belongs at the time of the passing of this Act, or within six months prior thereto, the commissioners shall, on the application of the representative body of the said church by order vest in that body such ecclesiastical residence, with the garden and curtilage thereto, subject to such life estate or interest, if any, as may be then subsisting therein, upon payment to the commissioners of such sum as is herein-after mentioned, that is to say; where there is no building charge affecting the same, upon payment to the commissioners of a sum equal to ten times the amount of the annual value of the site of such ecclesiastical residence estimated as land, and of the said garden and curtilage, such value to be determined in case of disagreement by arbitration; and where there is a building charge affecting the same, on payment to the commissioners, of such one of the two sums herein-after mentioned as may be the smallest, that is to say, either the amount of such building charge or a sum equal

Enactments
with respect
to ecclesias-
tical resi-
dences.

A.D. 1869. to the value of such ecclesiastical residence, with the garden and curtilage thereto, taken at ten years purchase of the annual value as estimated by the general tenement valuation, such payment to be made, if there be no life estate or interest subsisting in such residence, to the commissioners at the time of the making 5 of the said vesting order, but if there be a life estate or interest subsisting therein, then to be made to the commissioners or persons entitled thereto, in place of the commissioners, immediately after the determination of such life estate or interest.

Where the payment of the amount of any building charge or 10 sum as aforesaid is deferred in pursuance of this section, the amount thereof shall be deemed to be a lien on the said ecclesiastical residence, and the garden and curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall not bear interest until the same becomes payable in pursuance of this section. 15

Power to convey additional land to church body.

28. Where any ecclesiastical residence is by order of the commissioners vested in the representative body of the said church, the commissioners may on the application of the said body by order vest a further portion of land in the said body; that is to say, 20

1. In the case of a see house a quantity of land not exceeding thirty acres, being land usually occupied with the said see house;

2. In the case of any other ecclesiastical residence a quantity of land not exceeding ten acres, being land usually occupied 25 with the said ecclesiastical residence:

Provided always, that if the commissioners shall be of opinion that for the convenient enjoyment of the said house or residence, or by reason of the severance which would otherwise take place, an additional quantity of land should be granted, they shall by order 30 vest such additional land in the said body.

There shall be paid to the said commissioners by the said representative body as the price of the land to be vested in them, in pursuance of this section, such sum as may be agreed upon or may be determined by arbitration. 35

Any vesting order made by the commissioners in pursuance of this section shall have annexed thereto a map accurately defining the land thereby vested.

Enactments with respect to private endowments.

29. Where any real or personal property becoming vested in the commissioners by virtue of this Act consists or is the produce 40 of property or monies given by private persons out of their own resources since the year sixteen hundred and sixty, or consists or is

A.D. 1869.

the produce of monies raised by private subscription since such last-mentioned year, and does not come within the description of a church or ecclesiastical residence in this Act otherwise provided for, the commissioners shall, on the application of the representative body of the said Church, by order vest such property, herein-after referred to as a private endowment, in that body, if they apply to the commissioners for the same within six months after the said first of January one thousand eight hundred and seventy-one, but if no such application is made by the said representative body of the said Church to the commissioners within the said period, the commissioners shall, in the case of an endowment by a private person, if such person be alive, by order vest the same in him on his application, and if such person died since the year one thousand eight hundred, then, on application of his real or personal representatives, by order vest the property in them, so that the application be made by such private person or his representatives within six months after the expiration of the said prescribed period, but if no application be made by the said representative body of the said Church, or by any person by this Act authorized to make the same, within the period prescribed for such representative body and person respectively, then the commissioners shall dispose of the endowments aforesaid in such manner as they think expedient; and where any person proves to the satisfaction of the commissioners that he has at his own cost recovered by legal proceedings for the benefit of the said Church any property which will remain at the disposal of the said commissioners under the provisions of this Act, they may pay to him such sum in respect thereof as they may think fair and just, not exceeding in any case the value of the property so recovered, and the commissioners shall be at liberty to allow the reasonable expenses of applications under this section in such cases as they may think right.

30. Where any real or personal property becoming vested in the commissioners, in pursuance of this Act, on the said first of January one thousand eight hundred and seventy-one, and coming within the description of a private endowment, consists of part of a house or other building, or of part of a field, or part of any property that cannot be conveniently divided, the commissioners shall ascertain and by order declare the annual value of the part which is private endowment and of the other part, and it shall be lawful for the representative body of the said Church, or any person or body of persons authorized by this Act to apply for an order vesting a private endowment in him or them, to do one of the following things, either to require the whole of such property to be vested

Enactments
with respect
to mixed
endowments.

A.D. 1869. in him or them on payment to the commissioners of the value of such part of the property as does not consist of private endowment, or to require the commissioners to pay to such person or body of persons as aforesaid the value of such part of the property as consists of private endowment. 5

There shall be paid by or to the commissioners, according to circumstances, on account of any property in respect of which money is made payable under this section, such amount as may be determined by the commissioners, subject to arbitration as herein-after mentioned, not exceeding in the case of a building twelve times the annual value of the part in respect of which the money is payable or in case of any other description of property twenty-two times and a half the annual value of the part in respect of which the money is payable. 10

Management of Property by Commissioners.

15

Limitation
of right to
purchase
fee simple
in consider-
ation of
perpetual
rent.

31. No application under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands shall be made after the expiration of three years from the first day of January one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid : 20

25

In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance, or to the renewal of any lease, shall be done by the Ecclesiastical Commissioners for Ireland, such provision shall be construed as if the commissioners hereby constituted were named therein instead of such Ecclesiastical Commissioners. 30

Sale of
tithe rent-
charge to
owners of
land.

32. The commissioners may at any time after the first day of January one thousand eight hundred and seventy-one sell any rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge; and upon any such sale being so made, the commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly. 35

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Upon the application of any owner so purchasing, the commissioners may, by order, declare his purchase money or any part thereof

to be payable by instalments, and the land out of which such rent-charge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the rate of four pounds nine
 5 shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rent-charge payable by him, or for such less number of years as may be agreed
 10 upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the
 15 same charges, if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands.

“Owner” for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign
 20 of Her present Majesty chapter one hundred and nine.

33. The commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation.

Com-
mis-
sioners may
purchase
surrender or
assignment
of lease.

34. The commissioners may at any time after the first of January one thousand eight hundred and seventy-one sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act, and to the following conditions :

Power of
commis-
sioners to
sell their
property.

30 (1.) They shall not sell to the public any perpetual yearly rent issuing out of any land, or any right to mines or quarries, in any land where the fee simple of the land subject to such rent or right is vested in some person other than the commissioners, until they have given notice to the
 35 owner of such land that they are willing to sell the same to him at the price herein-after mentioned, and the owner has declined to accept their offer :

(2.) Perpetuity rents shall be offered to the owner of the land out of which they issue at a capital sum equal to twenty-five times the annual amount of such rents :

40 (3.) The price of the rights to mines or quarries shall be fixed by the commissioners by order :

A.D. 1869.

- (4.) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest :
- (5.) They shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease or tenancy, until they have given notice to the lessee that they are willing to sell the fee simple to him for a price to be named by the commissioners in such notice, and such lessee or tenant has declined to accept their offer ; and they shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease for twenty-one years or for three lives, or twenty-one years, or for forty years, or for three lives, until the expiration of three years from the first day of January one thousand eight hundred and seventy-one :
- (6.) Notice shall be given to the owner, where such owner is known to the commissioners, by sending by post a letter containing the terms of the offer addressed to him at his last known place of abode ; where he is not known, notice may be given by advertising the terms in the Dublin Gazette ; and in one or more local newspapers as the commissioners may determine :
- (7.) An owner shall be deemed to have declined to accept the offer of the commissioners if he do not accept the same in writing, and pay or secure the purchase money to the commissioners within three months after the giving of such notice as aforesaid :
- (8.) "Owner of land" for the purposes of this section shall include a "limited owner" as defined by the "Landed Property (Ireland) Improvement Act, 1860;" and any limited owner may raise the money required for any purchase under this section or any part thereof, by mortgage (at a rate of interest not exceeding five pounds per centum per annum) of the land of which he is such limited owner as aforesaid.

Payment of
money into
bank.

35. All purchase monies, rents, and other monies whatsoever payable to the commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner as may from time to time be determined by the Commissioners of the Treasury.

A.D. 1869.

Accounts of
capital and
revenues.

36. The commissioners appointed under this Act shall prepare, in such form, and either annually or for such shorter periods as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period, to which the accounts relate, the commissioners shall transmit the same to the Comptroller and Auditor General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before the House of Commons not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting, then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

Regium Donum and College of Maynooth.

37. When the annual parliamentary grant for the expenses of the non-conforming, seceding, and protestant dissenting ministers in Ireland, commonly called the Regium Donum, and in this Act referred to by that name, is discontinued, the commissioners shall as soon as may be after such discontinuance ascertain and declare by order the amount of the yearly sum theretofore received thereout by each minister of any Protestant non-conforming congregation in Ireland, or which he would have been entitled to receive if such grant had not been discontinued, and shall pay to each such minister, so long as he lives and is continued in the ministry, by and with the consent of the governing body of the church or religious community to which he may belong, an annuity equal to the yearly amount so ascertained as aforesaid.

Compensation to non-conforming ministers.

- The commissioners shall also on such discontinuance as aforesaid ascertain and declare by order the amount of any yearly sum to which any assistant successor to a minister in such congregation may be prospectively entitled, and shall secure to such successor a deferred life annuity of the same value and payable in the same

A.D. 1869. events as the yearly sum for which it is substituted. The commissioners shall also ascertain and declare by order what Protestant non-conforming congregations were on the first day of March one thousand eight hundred and sixty-nine fulfilling the conditions necessary for eventually obtaining out of the Regium Donum the 5 payment of yearly sums for their respective ministers, and what would have been in each case the amount of such yearly payment, and the time at which the same would have begun to be payable, and shall as from that time pay to the minister of each such congregation a life annuity, subject to the same conditions as aforesaid, 10 equal to the amount of the yearly payment which he would have become entitled to receive on the fulfilment of the necessary conditions, if the grant of the Regium Donum had not been discontinued : Provided always, that no minister placed in a congregation, or becoming assistant successor, for the first time after the passing 15 of this Act shall be entitled to any annual sum by way of compensation.

Commu-
tation of
annuities
of non-
conformist
ministers and
professors at
Belfast.

38. Any minister or assistant successor of any Protestant non-conforming congregation, to or for whom any annuity is paid or secured under this Act by reason of the discontinuance of the said 20 grant called the Regium Donum, may apply to the commissioners to commute his annuity for a capital sum to be paid to him, and the said commissioners, if satisfied that the annuity of the applicant is not incumbered, or if incumbered that the incumbrancers consent to the commutation, shall cause the then present value of the 25 annuity to be estimated, and shall pay the amount of such estimated value to trustees, such trustees to be appointed in the case of any such minister or assistant successor as aforesaid by such minister or assistant successor and the General Assembly or synod or presbytery, as the case may be, of the church or religious community to 30 which such minister or assistant successor may belong.

Repeal of
Maynooth
Acts.
Compensa-
tion on the
cessation of
certain
annual sums.

39. On and after the first day of January one thousand eight hundred and seventy-one, the Act of the Irish Parliament of the fortieth year of the reign of His late Majesty King George the Third, chapter eighty-five, except the fourth and fifth sections 35 thereof, the Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, except the first three sections thereof, and the Act of the twenty-third and twenty-fourth years of the reign of Her said present Majesty, chapter one hundred and four, shall be and the same are hereby repealed, save in respect 40 of any pecuniary and individual interests at present existing against the trustees.

When the annual sums herein-after mentioned cease to be paid, compensation shall be made in respect thereof by payment of capital sums as follows, that is to say :

- 5 (1.) In respect of the annual sum paid out of the said Regium Donum to the fund for supporting the widows and orphans of ministers of the synod of Ulster, by payment of the capital sum herein-after mentioned to the Presbyterian Widows Fund Association.
- 10 (2.) In respect of the several annual sums paid out of the Regium Donum to the said association, and also to the trustees of other widows' funds of certain Protestant non-conforming bodies respectively, such sums to be ascertained on an average of such number of years as the commissioners may think fit by payment of the capital sums herein-after
- 15 mentioned to the said association and trustees of the said widows' funds respectively.
- 20 (3.) In respect of the several sums paid annually by ministers in receipt of Regium Donum to the said widows' funds respectively out of their first year's income derived from the Regium Donum on such average as aforesaid, by payment of the capital sum herein-after mentioned to the said association and the said trustees respectively :
- 25 (4.) In respect of the annual sum paid out of the Regium Donum to or on account of the clerks of the synod by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the moderator of the General Assembly or of the synod or presbytery for whose benefit such annual payment was heretofore made as aforesaid.
- 30 (5.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors, and for the incidental expenses of the General Assembly's college at Belfast, by payment of the capital sum herein-after mentioned to trustees not exceeding seven in number consisting of the existing trustees of the said college and additional trustees
- 35 to be appointed in that behalf by the said General Assembly of the Presbyterian Church in Ireland, or by the majority of them.
- 40 (6.) In respect of the buildings of the said college, a sum not exceeding fifteen thousand pounds to the said trustees as last aforesaid.
- (7.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors of the non-subscribing associations of Presbyterians, by payment of the capital

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sum herein-after mentioned to trustees to be appointed in each case by the professors and presidents of such associations.

- (8.) In respect of the annual sum paid during the financial year ending the thirty-first day of March one thousand five hundred and sixty-nine to the trustees of the College of Maynooth in pursuance of the Act of Parliament in that behalf, by payment of the capital sum herein-after mentioned to the trustees of the said college.

The capital sum to be paid by the Commissioners in respect of each of the annual sums aforesaid shall be fourteen times the amount of each such annual sum.

Remission of
debt to
trustees of
Maynooth.

40. Any sums of money remaining due from the trustees of the said College of Maynooth to the Commissioners of Public Works in Ireland, in respect of advances made by the said commissioners on the security of the sums payable to the said trustees under the sixth section of the said Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, shall be and the same are hereby released.

Appeal.

20

Regulations
as to appeal.

41. The following rules shall be enacted with respect to appeals against the orders of the commissioners :

- (1.) Where any person feels aggrieved by the value set by the commissioners on any life interest or other interest in respect of which compensation is awarded to him under this Act, and where any person feels aggrieved by the value set by the commissioners on any advowson or right of presentation in respect of which he is awarded compensation under this Act, he may, if he think fit, refer such question to arbitration :

30

- (2.) Where any person feels aggrieved by any judgment or order of the commissioner in respect of any private endowment, he may appeal therefrom to the Court of Appeal in Chancery in Ireland, and the opinion of such court shall be conclusive, but save as aforesaid no appeal shall be had from any judgment or order of the commissioner.

35

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

Possession to
be given up
of 24, Upper
Merrion
Street.

42. The possession of the house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the said

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Ecclesiastical Commissioners, and all furniture and fittings therein, and also all books, accounts, deeds, maps, documents, and papers whatsoever at the date of this Act belonging to the said Ecclesiastical Commissioners, or under their control, or the control of any
 5 of their officers, shall immediately after the passing of this Act, be delivered up by the person or persons having charge of the same respectively to the commissioners.

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43. There shall be paid to Arthur Edward Gayer and William Charles Quin (two of the said Ecclesiastical Commissioners) the annual sum of one thousand pounds each during their natural lives respectively, and to Robert Franks (their secretary), to George Lefroy (their treasurer), to the solicitor, and to the several other officers and clerks of the said Ecclesiastical Commissioners whose services may not be required by the commissioners hereby constituted, such
 10 annual sums respectively as the said last-mentioned commissioners, with the assent of the Lord Lieutenant, may recommend, and shall be approved of by the Commissioners of the Treasury; and if the services of such officers are required by the commissioners hereby constituted, such services shall, for all purposes of superannuation,
 15 be deemed a continuance of their former services.

Compensation to Ecclesiastical Commissioners and their officers.

44. The commissioners shall ascertain and by order declare the amount of the fees or other emoluments received by each vicar-general, official principal, commissary-general, or chancellor, or registrar or joint registrar of any diocese or united dioceses or
 25 any peculiar or exempt jurisdiction in Ireland, or by the registrar of any cathedral corporation, or by the auditor appointed under the said Act of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, on an average of the three years ending the first day of January one thousand
 30 eight hundred and sixty-nine, and of which they may be deprived by this Act; and shall, as from the first day of January one thousand eight hundred and seventy-one, out of any funds for the time being in the hands of the commissioners under the provisions of this Act, pay to each such vicar-general,
 35 official principal, commissary-general, chancellor, or registrar, and auditor respectively during his life, an annuity equal to the average amount of his fees and other emoluments ascertained as aforesaid: provided always, that in any case where a deputy registrar shall for five years before the passing of this Act have discharged the duty of the office of registrar, such deputy registrar
 40 shall receive from the commissioners such sum by way of compensation for the loss of his office as the commissioners shall think

Compensation to vicars general and other officers by annuities equal to their average income for the three years ending 1st January 1870.

A.D. 1869. right, and such sum shall be deducted from the amount payable under this Act to the principal registrar: provided further, that it shall be lawful for such commissioners to grant to all managing and other clerks who have been continuously employed in the office of the said provincial or diocesan registry for five years or upwards immediately before the passing of this Act, and who may sustain any loss of emolument by reason of the passing of the same, such reasonable allowance as the said commissioners may deem just and proper. 5

Benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and George, Dublin. 45. The commissioners shall ascertain whether the chancellor 10 and prebendaries of Christ Church, Dublin, are or are not entitled to any right of succession in the benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin, and, if entitled, shall award to them respectively such sum in compensation for the same as shall seem to them just. 15

Delivery up of Documents.

Delivery up of books by registrars. 46. All and singular the records, books, accounts, deeds, maps, documents, and papers whatsoever which in anywise relate to or concern any of the property or premises vested or to become vested in the commissioners under any of the provisions of this Act shall, 20 within three months next after the said first day of January one thousand eight hundred and seventy-one, be delivered up to the commissioners by the respective registrars of the several provincial and diocesan or united diocesan or other registries in Ireland, or other the officers then having the custody or possession 25 of the same respectively.

Dealings with Property.

Commissioners not to expend moneys in building. 47. It shall not be lawful for the commissioners to expend any money whatever in or about the building, rebuilding, or enlarging of any cathedral or other church, or any chapel, see-house, glebe- 30 house, or other building belonging to the said church or any person holding office therein, or connected therewith, or in enlarging or improving any churchyard or graveyard; nor to grant or advance any money for the purposes aforesaid, or any of them. 35

Commissioners not to expend moneys in repairs. 48. It shall not be lawful for the commissioners, after the first day of January one thousand eight hundred and seventy-one, to expend any money whatever upon any such buildings, churchyard, or graveyard as aforesaid, whether for repairs or otherwise, nor in payment of salaries of clerks or sextons of any parish, chapelry, or chapel of ease who may be appointed after the passing of this Act, 40

A.D. 1869.

or in providing any church or chapel with fuel, lighting, or things necessary for the celebration of Divine service, nor to grant or advance any money for the purposes aforesaid, or any of them : Provided, that in the meantime, and until the said first day of 5 January one thousand eight hundred and seventy-one, it shall be lawful for the commissioners to expend such sums of money as they may ascertain, and by order declare, to be necessary for keeping any such buildings as aforesaid in substantial repair and preservation, or for providing any church or chapel with fuel, 10 lighting, or other things requisite for the decent performance of Divine worship as heretofore in such church or chapel.

49. Nothing herein contained shall affect the right of any archbishop, bishop, or person holding any benefice or cathedral preferment in the said Church, and whose annuity has not 15 been commuted in pursuance of this Act, to receive the amount of any building charge to which such archbishop, bishop, or other person would have been entitled if this Act had not passed ; and in the event of the circumstances occurring under which such person or his representatives would have been entitled, if this Act had not 20 passed, to receive such charge, the commissioners shall pay the same to such person or his representatives.

50. Every annuity payable by the commissioners under this Act shall be deemed to accrue due from day to day, and shall be paid at such intervals not exceeding in any case six months, and in such 25 manner as the commissioners may judge expedient.

The commissioners may deduct from any annuity payable by them any sums they may have been required to pay to any incumbrancer in respect of any charge which would have been payable out of the property for which such annuity is substituted if no substitution had 30 taken place.

All commutation moneys paid under this Act in lieu of annuities shall be calculated at the rate of three pounds ten shillings per centum per annum.

51. Where the commissioners sell any land or interest in land 35 in pursuance of this Act, the commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of four per centum per annum, secured to the satisfaction of the commissioners ; and any such purchase money 40 may be made payable by half-yearly instalments, not exceeding sixty-four in number.

A.D. 1869.

Power to
pay by
instalments.

52. Where the commissioners are authorized or required under this Act to pay any capital sum in respect of any commuted annuity they may, if they think fit, instead of paying such sum at once, elect to pay the same by half-yearly instalments, not exceeding eight in number, together with interest at the rate of three and a half pounds per cent. on any part of the capital for the time being remaining unpaid. 5

Where the representative body of the said church is liable to pay any capital sum to the commissioners, such capital sum may be paid by twenty-two yearly instalments with interest at the rate of three and a half per cent. on the amount of the purchase money remaining unpaid, to be secured in such manner as the commissioners think expedient. 10

Sales of
lands, &c.
may be made
in Landed
Estates
Court.

53. If in any case in which the commissioners are by this Act authorized or directed to sell any property it appears to them to be expedient that the same should be sold, or the sale thereof carried out, in the Landed Estates Court in Ireland, it shall be lawful for the commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon such sale shall be effected or carried out in and by the said court accordingly; but any right of pre-emption herein-before declared shall be as far as possible preserved in the said court; and the conveyance of the premises so to be sold, or the sale of which may be carried out, under any such order, shall be executed by a judge of the said court, and shall have the same force and operation in all respects as if the same were so executed in a matter in which an absolute order for sale of the said premises had been duly made by the said court on a petition filed therein for that purpose. 15 20 25

Saving
claim of
arrears of
rent, &c.

54. The vesting of any property in the commissioners under this Act shall not preclude any person entitled from recovering any arrears of rent, interest, or other sums payable at the time of such vesting, out of or in respect of such property, and such arrears, interest, or other sum may be recovered by such person in the same manner in all respects as if such vesting had not taken place; and where any person is deprived of any rent, interest, or other sum payable out of or in respect of property by reason of such property vesting in the commissioners under this Act, the commissioners, after deducting any rates or charges payable thereout, shall pay to such person a proportionate part of such rents, interest, and other sums in respect of the time that may have intervened between the last day at which such person was entitled to receive such rents, interest, or sums, and the time of the vesting of the property in the commissioners. 30 35 40

55. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person
 5 may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of
 10 any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estates if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under
 15 an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any
 20 proceeding under this Act, and from time to time remove or change such next friend.

A.D. 1869.

Provision
for other
persons
under dis-
ability.

56. If in any case any such advowson or building charge as is mentioned in this Act is so circumstanced as that there is not in the opinion of the commissioners any person competent to give an
 25 effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the
 30 commissioners so to declare by order, and thereupon the compensation or amount so payable by the commissioners shall be paid into the Bank of Ireland, ex parte the commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland and dealt with in
 35 pursuance of the Land Clauses Consolidation Act, 1845; and in the construction of that Act this Act shall for the purposes of this section be deemed to be the special Act.

Provision as
to incapacitated owners.

57. Any surveyor or other person employed by the commissioners for the purpose of ascertaining the value of any land or
 40 buildings which, or the reversion of which, may be vested in the commissioners under this Act, may enter upon such land or buildings at all reasonable times during the day, upon making

Power for
officers of
commis-
sioners to
enter upon
land.

A.D. 1869. full compensation for any damage he may do for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the commissioners for the purpose of carrying this Act into effect.

Power of the Commissioners to raise Money.

5

Commissioners to raise money for the purposes of the Act.

58. The commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the commissioners may give as security for the repayment of any moneys so 10 raised, and of interest thereon, the whole or any part of the property vested in them by this Act.

Power for Treasury to advance money to Commissioners.

59. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time out, of any money in 15 their hands under the Act of the session of the twenty-sixth and twenty-seventh years of Her Majesty (chapter eighty-seven), "to consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty (chapter fourteen), "to grant additional facilities 20 " for depositing small savings at interest with the security of the " Government for due repayment thereof," or under both those Acts, advance to the commissioners, with such guarantee as is by this Act authorized (but not otherwise), the whole or any part or parts 25 of the money which by this Act the commissioners are authorized to raise.

Power for Treasury to guarantee advance to commissioners.

60. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the commissioners in pursuance of this 30 Act.

Form of security and guarantee.

61. Any security given by the commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Majesty's Treasury may approve, and there shall be certified thereon, in such form as the 35 said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned commissioners in pursuance of this Act.

Guarantee to be based on Consolidated Fund.

62. For the purpose of giving effect to the guarantee aforesaid, 40 it shall be lawful for the Commissioners of Her Majesty's Treasury,

from time to time, in aid of any money applicable under this Act, for payment of principal and interest for the time being accrued due in respect of any moneys raised by the commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively.

A.D. 1869.

63. In case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid out to the said Consolidated Fund out of the funds in the hands of the commissioners.

Repayment
to Consoli-
dated Fund.

64. All plate, furniture, and other moveable chattels belonging to any church or chapel, or used in connexion with the celebration of divine worship therein, shall vest in the representative church body when incorporated; and, subject to the life enjoyment of same by the existing incumbents, all moveable chattels held and enjoyed by the incumbent for the time being of any see, cathedral preferment, and benefice in his corporate right, together with or as incident to the occupation of any ecclesiastical residence, shall also vest in the same body when incorporated; and where any property is vested in any ecclesiastical or cathedral corporation in Ireland in trust for the poor or any other charitable purpose, the dissolution of such corporation shall not affect the continuance of the trust, but such property shall immediately upon such dissolution vest in the representative body of the said church, or in default of and until the same shall be constituted, in the commissioners for the execution of this Act, but subject always to the trusts affecting the same, and under the same supervision, local or otherwise, as theretofore, or as near thereto as the circumstances of the case will admit; and in all cases where ecclesiastical persons are at present in right of their dignities or offices entitled to be members of any lay corporations constituted for the management of any private endowment, or are trustees for the management of property belonging to institutions of private foundation for purposes not ecclesiastical, then the persons (if any) who shall hereafter at any time discharge duties similar or analagous to those now discharged by such ecclesiastical persons, shall be entitled to succeed in their room, and be members of such lay corporations, and to act as such trustees.

Moveable
chattels
belonging to
see or
church.

65. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act with respect to the

Rules as to
arbitration.

A.D. 1869.

settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that, in cases where the Board of Trade is thereby authorized to appoint an umpire, the Commissioners of Public Works in Ireland shall have power to appoint the same.

Temporary Provisions.

5

Regulation
as to
vacancies.

66. If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church between the date of the passing of this Act and the first day of January one thousand eight hundred and seventy-one, the following enactments shall be made with respect to such 10 vacancy :

(1.) All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any such vacant archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or 15 appropriated to the use of any person holding any such archbishopric, bishopric, benefice, or cathedral preferment, shall vest in the commissioners, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same : 20

(2.) Her Majesty may in the case of a vacant archbishopric, on the requisition of any three bishops of the province, and in the case of a bishop, on the requisition of the archbishop of the province in which such bishopric is situate, or of any three bishops of the same province, fill up the 25 vacancy ; but no archbishop or bishop so appointed shall be summoned to or be qualified to sit in the House of Lords, and he shall be subject to the provisions herein-after mentioned :

(3.) In the case of any vacant benefice or cathedral preferment, such vacancy may be filled up by the same person or persons who would have been qualified to fill up the same if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after 35 mentioned :

(4.) Every person appointed to fill any vacancy in pursuance of this section shall be subject to all the provisions of this Act, and he shall not be entitled to any compensation in respect of any annuity or other interest of which he may be deprived by virtue of this Act : 40

Provided always, that if the owner of any archbishopric, bishopric, benefice, or cathedral preferments be appointed to fill a vacancy in

any other archbishopric, bishopric, benefice, or other cathedral preferments, such person notwithstanding such appointment shall still have and retain all such life estate or interest, and all the rights and privileges to which he would have been entitled if he had not
5 accepted such appointment.

(5.) The commissioners may pay to any person appointed to fill a vacancy in pursuance of this section, during such time as he may occupy his office between the date of the passing of this Act and the said first January one thousand
10 eight hundred and seventy-one, a sum equal, as nearly as the commissioners can determine, to the net annual income of the archbishopric, bishopric, benefice, or cathedral preferment to which he is appointed, or a proportionate part thereof, according as he holds his office
15 for the whole time or a portion only of such time.

Surplus.

67. When it appears to the commissioners that they have fulfilled all the directions contained in this Act, and that the objects of this Act have been fully attained, or that adequate provisions
20 have been made for effectuating the same, the commissioners shall so report to Her Majesty, and thereupon it shall be lawful for Her Majesty, by order in council, to direct that, subject to all subsisting charges upon the ecclesiastical property then vested in commissioners, whether such charges may exist previously to the
25 passing of this Act, or may be created under any of the provisions of this Act, such property shall be applied, under the management and control of the Poor Law Commissioners for Ireland, to the following purposes, or any of them; that is to say,

- 30 (1.) The support of infirmaries, hospitals, and lunatic asylums, in exoneration of the grand jury cess, or other assessment in lieu thereof.
- (2.) The support of reformatory and industrial schools under the Reformatory and Industrial Schools (Ireland) Acts, in aid of other grants for that purpose.
- 35 (3.) The salaries of trained or skilled nurses for poor persons in sickness or in labour.
- (4.) The suitable education and maintenance of the blind, and of the deaf and dumb poor in separate asylums.
- 40 (5.) The suitable care, training, and maintenance, in separate asylums, of poor persons of weak intellect not requiring to be kept under restraint.

Ultimate
trust of
surplus.

A.D. 1869.

The commissioners may from time to time during their trust report to Her Majesty whether there is any income available for the purposes mentioned in this section, and upon such report being made, it shall be lawful for Her Majesty by order in council to direct such available portion of income to be applied for the aforesaid purposes, or any of them, under such management and control as aforesaid. 5

Saving Clauses.

Provision
as to Acts
relating to
United
Church of
England and
Ireland.

68. In all enactments, deeds, and other documents in which mention is made of the United Church of England and Ireland, the enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of Ireland, but, as to the last-mentioned Church, subject to the provisions of this Act. 10

Saving
rights as to
proprietary
chapels and
chapels of
ease.

69. Nothing in this Act contained shall affect the patronage or right of presentation to any proprietary or district parochial church or endowed chapel of ease, which has been endowed out of private funds, or affect the property in any such church or chapel, or the property held for the purposes of or appropriated to the use of the same, or affect the continuance of the trust relating thereto as originally constituted. 15 20

Saving of
Act of
39 & 40 G. 3.
c. 67.

70. Nothing herein contained shall affect the Act of the session of the thirty-ninth and fortieth years of the reign of King George the Third, chapter sixty-seven, and intituled "An Act for the Union of Great Britain and Ireland," or an Act of the Irish Parliament passed in the fortieth year of the reign of King George the Third, and also intituled "An Act for the Union of Great Britain and Ireland," or anything done thereby, except in so far as relates to the union of the Churches of England and Ireland, and except as expressly herein-before provided. 25 30

Construction of Act.

Interpreta-
tion.

71. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; (that is to say,) 35

"Lord Lieu-
tenant:"

"Lord Lieutenant" shall mean and include the lords justices or other chief governors or governor of Ireland:

"Lease:"

"Lease" shall include an agreement for a lease, or other contract of tenancy, and the estate or interest created or agreed to be created thereby: 40

A.D. 1869.

- “Ecclesiastical person” shall mean and include any archbishop or bishop, or person holding any benefice or cathedral preferment as herein-after defined : “Ecclesiastical person :”
- 5 “Church” shall include a public chapel or chapel of ease, also a cathedral or collegiate church : “Church :”
- 10 “Benefice” shall mean and include every parish, rectory, vicarage, perpetual curacy, donative, chantry, endowed public chapel, parochial chapelry, and chapelry or district annexed or reputed to be annexed, to any church or chapel, and whether the same be or be not within any exempt or peculiar jurisdiction : “Benefice :”
- 15 “Glebe house” shall mean a house of residence belonging to any benefice as herein-before defined : “Glebe house :”
- 20 “Cathedral preferment” shall mean and include every deanery, archdeaconry, prebend, canonry, chaplaincy, office of minor canon, chantry, office of priest vicar, vicar choral or choirman, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church : “Cathedral preferment :”
- 25 “Cathedral corporation” shall mean any dean and chapter or chapter, and also any corporation of minor canons, or vicars and choirmen, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Ireland : “Cathedral corporation :”
- 30 “Curate” shall include residentiary preacher : “Curate :”
- “Property” shall include things in action and rights of action : “Property :”
- “Jurisdiction” shall mean legal and coercive power, and shall not extend to or include any power or authority which may be exercised in a voluntary religious association, upon the footing of mutual contract or agreement. “Jurisdiction.”

Irish Church.

A

B I L L

[AS AMENDED IN COMMITTEE
AND ON CONSIDERATION AS AMENDED]

To put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth.

*(Prepared and brought in by
Mr. Dodson, Mr. Gladstone, Mr. John Bright,
Mr. Clivechester Fortescue, and
Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
13 May 1869.*

[Bill 128.]

Under 5 oz.

A
B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth. A.D. 1869.

[The words and clauses in italics were inserted, and the words and clauses struck through were omitted, by the Lords.]

WHEREAS it is expedient that the union created by Act of Parliament between the Churches of England and Ireland, as by law established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by law, and that after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be held and applied for the advantage of the Irish people, but not for the maintenance of any church or clergy or other ministry, nor for the teaching of religion : Preamble.

And it is further expedient that the said property, or the proceeds thereof, should be appropriated mainly to the relief of unavoidable calamity and suffering, yet so as not to cancel or impair the obligations now attached to property under the Acts for the relief of the poor, applied in such manner as Parliament shall hereafter direct :

And whereas Her Majesty has been graciously pleased to signify that she has placed at the disposal of Parliament her interest in the several archbishoprics, bishoprics, benefices, cathedral preferments, and other ecclesiastical dignities and offices in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Irish Church Act, 1869." Short title.

2. On and after the first day of January *May* one thousand eight hundred and seventy-one, the said union created by Act of Parliament between the Churches of England and Ireland shall be

Dissolution
of legislative
union be-
tween

[Bill 209.] +

A

A.D. 1869. dissolved, and the said Church of Ireland, herein-after referred to as
 Churches of “the said church,” shall cease to be established by law.

England and
 Ireland.

Constitution and Powers of Commissioners.

Appoint-
 ment of
 commis-
 sioners.

3. The following persons, that is to say, Viscount Monck, Right Honourable James Anthony Lawson, one of the Justices of 5 the Court of Common Pleas in Ireland, and George Alexander Hamilton, Esquire, shall be constituted commissioners under this Act: they shall hold office during Her Majesty’s pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by 10 warrant under the royal sign manual, appoint some other fit person, *being a member of either of the said Churches or of the said United Church*, to fill the vacancy. The commissioners appointed under this Act shall be a body corporate with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and 15 shall be styled “The Commissioners of Church Temporalities in Ireland.”

Judicial notice shall be taken by all courts of justice of the corporate seal of the commissioners, and any order or other instru- 20 ment purporting to be sealed therewith shall be received as evidence without further proof.

Quorum of
 commis-
 sioners.

4. Any power or act by this Act vested in or authorized to be done by the commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one commissioner may require his case to be heard by 25 ~~two commissioners at least~~ *the three commissioners*.

Appoint-
 ment of
 officers.

5. The said commissioners, herein-after referred to as “the com- missioners,” may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and *may appoint and remove* such *officers*, agents, clerks, and messengers, and ~~officers~~ as 30 they deem necessary for the purposes of this Act.

They may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act.

Salaries and
 expenses.

6. The following sums shall be paid by the commissioners out of 35 any monies for the time being in their hands in pursuance of this Act:

- (1.) To every commissioner appointed in pursuance of this Act a salary of not exceeding two thousand pounds a year:
- (2.) To the secretary, *officers*, agents, clerks, and messengers 40 ~~and officers~~ appointed, such salaries as the commissioners may recommend, with the sanction of the Lord Lieutenant,

and as the Commissioners of Her Majesty's Treasury may approve : A.D. 1869.

(3.) To any architect, actuary, surveyor, or other person as aforesaid employed by the commissioners, such remuneration, on a scale to be approved by the Commissioners of the Treasury, as the commissioners may think expedient :

(4.) All incidental expenses of carrying this Act into execution, *which shall be taken to include the reimbursement to every claimant of all reasonable costs and expenses properly incurred by him in establishing any claim under this Act.*

7. Subject to such appeal as is herein-after mentioned, the commissioners shall have full power to decide all questions whatsoever, whether of law or fact, which ~~they may deem it expedient or it may~~ *be* necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the *due* execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

Powers of
commis-
sioners.

The commissioners with respect to the following matters, that is to say,

(1.) Enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents ;

(2.) Issuing any commission for the examination of witnesses ;

(3.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt *in the presence of the commissioners or any of them sitting in open court ;*

(4.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act, shall have all such powers, rights, and privileges as are vested in the High Court of Chancery in Ireland for such or the like purposes, and all proceedings before the commissioners shall in law be deemed to be judicial proceedings before a court of record.

The commissioners may review and rescind or vary any order or decision previously made by them or any of them ; but save as aforesaid, and as herein-after provided, every order or decision of the said commissioners shall be final.

8. The commissioners shall circulate forms of application and directions as to the mode in which applications are to be made to them under this Act.

Forms of
application,
and general
rules.

They shall also from time to time make, and when made may rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act,

A.D. 1869. and generally for securing the due execution of the powers vested in them by this Act, and giving effect to the provisions.

~~Such general rules shall be enrolled in the High Court of Chancery in Ireland within one month after the making of the same.~~

Provided that every such general rule shall be laid before 5 Her Majesty's Privy Council of Ireland, and it shall be lawful for such Privy Council, by order signed by six of the said Privy Council, to confirm or disallow any such rule, or to alter or amend, and confirm with alteration or amendment, any such rule, or to remit any such rule to the commissioners for further consideration; and 10 every such general rule (when the same shall have been confirmed by order of the said Privy Council) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the commissioners in the exercise of their powers, and shall be of the same force and effect as if the same had been enacted by 15 authority of Parliament; provided always, that any rules so confirmed and enrolled as aforesaid may from time to time be rescinded, amended, or altered, as occasion may require, by other rules made by the commissioners, and confirmed and enrolled in like manner. 20

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament. 25

Duration of office, and restriction on sitting in Parliament.

9. No commissioner and no person appointed to any office by the commissioners shall hold his office for a longer period than ten years next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of 30 being elected to or sitting as a member of the House of Commons.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

Prohibition of future appointments.

10. Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty or any other 35 person or corporation by virtue of any right of patronage or power of appointment now existing to any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church.

Property of Ecclesiastical Commissioners vested in commissioners under Act.

11. From and after the passing of this Act all property, real and personal, at the date of such passing vested in or belonging to the 40 Ecclesiastical Commissioners for Ireland, is transferred to and vested in the commissioners appointed under this Act, subject to all tenancies, charges, incumbrances, rights (including tenants rights

of renewal,) or liabilities affecting the same, and the corporation of the Ecclesiastical Commissioners for Ireland is hereby dissolved. A.D. 1869.

12. On the first of ~~January~~ *May* one thousand eight hundred and seventy-one, save as herein-after provided, all property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any cathedral corporation in Ireland, as defined by this Act, shall vest in the commissioners, subject as herein-after mentioned; that is to say,

Church property vested in commissioners under Act.

(1.) In case of all such property, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:

(2.) In the case of any houses, buildings, farms, lands, churches, burial grounds, or other corporeal hereditaments to which or to the rent and profits of which, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid may be entitled, subject to the life interests of such archbishop, bishop, or person respectively; and such last-mentioned corporeal hereditaments shall, subject to the provision for commutation herein-after contained, continue in such archbishop, bishop, or person respectively for their respective lives, *with the same powers, rights, and authorities*, and in the same manner as if this Act had not passed:

(3.) *On the death or cessor of the interest of any archbishop or bishop aforesaid, the tenants then holding directly under any such archbishop or bishop, where leases had been theretofore customarily renewable, shall have similar rights of renewal of their said leases, and the said commissioners shall be under similar obligations and have similar powers and rights in relation to such renewals, and the rents and fines thereupon as the tenants of sees suppressed under statute third and fourth William the Fourth, chapter thirty-seven, and as the Ecclesiastical Commissioners in regard thereto had and were under respectively immediately before the passing of statute twenty-third and twenty-fourth Victoria, chapter one hundred and fifty; every application for any such renewal shall be made within one year from the death or cessor of*

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the interest of such archbishop or bishop, and thereupon the commissioners shall once and for ever fix for the future the rent and periods of renewal and the fine to be paid thereupon, and in case of any difference in relation to such rent or fine the same shall be referred to arbitration as herein. 5

Dissolution
of eccle-
siastical cor-
porations,
and cessa-
tion of right
to sit in
House of
Lords.

13. On the said first of ~~January~~ *May* one thousand eight hundred and seventy-one every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland, as defined by this Act, shall be dissolved, and on and after that day no archbishop or bishop of the said Church shall be summoned to 10 or be qualified to sit in the House of Lords as such: provided, that every present archbishop, bishop, ~~and dean~~ *and archdeacon* of the said Church shall during his life enjoy the same title and precedence as if this Act had not passed.

Compensation to Persons deprived of Income,

15

Compensa-
tion to eccle-
siastical
persons
other than
curates.

14. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes, 20
~~except income or property tax, salaries of permanent curates employed as herein after mentioned, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law,~~
salaries of curates employed under obligation of law, payments to diocesan schoolmasters, and other outgoings to which such 25
holder is liable by law, but not deducting income or property tax, or the tax on clerical incomes now payable to the Ecclesiastical Commissioners for Ireland, or payment for visitation fees, or for the maintenance of registries and ecclesiastical courts; and the commissioners shall have regard to the pro- 30
spective increase (if any) of such income by the falling in or cessation of charges thereon; and the commissioners shall, as from the first day of January May one thousand eight hundred and seventy-one, pay each year to every such holder so long as he lives, and continues to discharge such duties in respect of his 35
said archbishopric, bishopric, benefice, or preferment as he was accustomed to discharge, or would, if this Act had not passed, have been liable to discharge, or any other spiritual duties in Ireland which may be substituted for them, with his own consent, and with the consent of the representative body of the said Church herein- 40
after mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid.

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~~A deduction shall be made under this section in respect of the salary of a permanent curate, where such curate has been or is serving as a curate on any day between the first day of January one thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive.—The commissioners shall determine the cases in which a curate is to be deemed a permanent curate, having regard to the length or term of his service, to the nature and extent of the duties needful to be discharged in the benefice, and to the non-residence, or infirmity, or other incapacity of the incumbent, or his habitual employment of a curate to assist him as heretofore, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving; and it is hereby declared, that every holder of any such archbishopric, bishopric, benefice, or cathedral preferment heretofore liable to the payment to the Ecclesiastical Commissioners of such tax on clerical incomes shall be bound to pay an equivalent annual sum to the representative body of the said Church herein-after mentioned, so long as such holder shall continue to receive the annual income of his see, benefice, or preferment without having commuted the same: Provided always, that where deduction has been made under this section in respect of the salary of a permanent curate, and the salary of such curate ceases in the lifetime of the person in ascertaining whose yearly income such salary has been deducted as aforesaid, the commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation herein-after contained.~~

CLAUSE A.
Payment
of persons
discharging
duties of
disabled
archbishop,
&c.

In case the holder of any preferment shall become disabled as aforesaid, then such holder, if he be an archbishop or bishop, shall, with the licence of such person or persons as may be authorized to grant such licence by the said Church, according to the rules for the time being in force for the regulation thereof, or if he be the holder of any benefice or cathedral preferment, then with the licence of the bishop of the diocese for the time being, make such provision for the discharge of his said duties as the person or persons so authorized, or the bishop, as the case may be, shall approve, and for the payment of the sum necessary for that purpose out of his annuity; and thereupon the commissioners shall pay such portion of the annuity of such holder to the person appointed to discharge the said duties, so long as he shall continue to discharge the same, and the residue to such holder; and in case such holder shall not obtain such licence and make such provision as aforesaid, the

A.D. 1869. *commissioners shall during his life, or until he obtain such licence and make such provision, pay his annuity to the representative body of the Church, who shall thereupon make such provision thereout for the performance of the duties of such holder as shall in the case of an archbishop or bishop be directed in writing by the person 5 or persons authorized thereto by the said Church, or in the case of the holder of a benefice or cathedral preferment, by the bishop of the diocese for the time being, and shall pay the residue thereof to such holder: Provided always, that no annuitant whose ecclesiastical income, as estimated under this Act, is less than two hundred 10 pounds, shall be subject to any such deduction.*

Compensa-
tion to
curates.

15. *The Commissioners shall as soon as may be after the passing of this Act, ascertain and declare, by order, the amount of yearly income received by any permanent curate who has been or is serving as such curate on any day between the said first day of January one thousand eight hundred and sixty- 15 nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive, and shall pay to every such curate during his life an annuity equal to the amount of yearly income so ascertained as aforesaid, subject to the proviso that the annuity of such curate shall cease if, owing to his misconduct, without the incumbent's consent, he quit the curacy in respect of which the annuity is given to him, or by ill health or otherwise become 20 incapable of discharging the duties of such curacy. inquire whether any curate, serving as such at any time between the first day of January one thousand eight hundred and sixty-nine and first day of May one thousand eight hundred and seventy-one, is to be deemed a permanent 25 curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity, or other incapacity of the incumbent, or his habit of employing a curate. The commissioners shall ascertain and declare by order the amount of yearly income received by any 30 such permanent curate, and shall pay to every such curate so long as he lives and continues to discharge the duties of his said curacy, or any other spiritual duties in Ireland, which with his own consent and with the consent of the church body herein-after mentioned may be substituted for them, or if not discharging such duties shall be 35 disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default, an annuity commencing on the first day of May one thousand eight hundred and seventy-one equal to the amount of such yearly income, or shall on the application of such curate, made at any time between the first 40 day of January one thousand eight hundred and seventy-one and the first day of May one thousand eight hundred and seventy-two,*

and, with the consent of the church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such curate or to such curate and church body in such proportions as they shall agree.

- 5 The commissioners may make to any curate who is not entitled to compensation as a permanent curate, and who is serving as a curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the said first day of January *May* one thousand eight hundred and seventy-one, both
10 inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount thereof do not exceed twenty-five pounds for every year during which he shall have served as a curate: Provided always, that in any case in which the period of service of any curate shall not amount to eight years, the commis-
15 sioners may make up such gratuity to the sum of two hundred pounds: Provided also, that such gratuity shall in no case exceed the sum of six hundred pounds.

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued,
20 the commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after making such deductions as aforesaid, and the commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge
25 such duties as aforesaid an annuity equal to the amount of yearly income so ascertained as aforesaid.

16. The commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars:

Compensation to diocesan schoolmasters, clerks, and sextons.

- 30 (1.) The amount of yearly salary which each schoolmaster of any diocesan or district school in Ireland is entitled to receive under any warrant of the Lord Lieutenant in Council made under the provisions of the Act of the session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory
35 amendment thereof.

- (2.) The amount of yearly salary which each clerk, ~~and sexton~~
respectively *sexton*, or other holder of an office held during
40 good behaviour, of any cathedral, parish, chapelry, and chapel of ease in Ireland is entitled to receive, and of the emoluments of which he will be deprived by this Act:

and the commissioners shall every year, after the first of January *May* one thousand eight hundred and seventy-one, pay to each such

A.D. 1869. diocesan schoolmaster, clerk, ~~and sexton~~, sexton, and officer respectively, so long as he lives and continues to perform the duties of his office personally or by sufficient deputy in the same school, cathedral, church, or chapel, or *in the case of a clerk, sexton, or officer of the said church*, any duties of the same kind which shall 5 be assigned to him by the representative body of the Church hereinafter mentioned, and which he will agree to perform, an annuity equal to the amount of his yearly salary and emoluments so ascertained as aforesaid, *or shall on the application of such annuitant, being a clerk, sexton, or officer of the said church, made at* 10 *any time between the first day of May one thousand eight hundred and seventy-one and the first day of May one thousand eight hundred and seventy-two, and with the consent of the Church body hereinafter mentioned, cause the present value of such life annuity to be estimated, and pay the same to such annuitant, or to such annuitant* 15 *and Church body, in such proportions as they shall agree.*

Compensation to organists, vergers, and others.

17. The commissioners shall pay to any organist, ~~stipendiary~~ ~~choirman, vergers, or other~~ person holding an appointment in, or connected with, any church or chapel in the said Church, *and not entitled to compensation under the preceding section*, and who has 20 held such office for two years before the first day of ~~January~~ *May* one thousand eight hundred and seventy-one, and is holding the same on the said day, such sum by way of gratuity, not exceeding one year's salary, as they think fit; and where the said commissioners shall find that any such person is or may be deprived of any income 25 derived from any property or fund vested in the said commissioners under this Act, they may pay to any such person such further sum by way of compensation, either by a single payment or by a life annuity, as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine. 30

Compensation to lay patrons.

18. The commissioners shall, as soon as may be after the passing of this Act, ascertain and, by order, declare the amount of compensation which ought to be paid to any person or body corporate who or which shall within three years therefrom make application in writing to this effect for or in respect of any advowson, right of 35 presentation, or nomination to any benefice or cathedral preferment vested in or belonging to such person or body corporate, and affected by the provisions of this Act; and shall by and out of any monies for the time being in their hands pay to such person or body corporate the amount of such compensation so ascertained and 40 declared as aforesaid. But Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any

trustees, officers, or persons acting in a public capacity, be entitled to compensation for or in respect of any advowson, right of presentation, or nomination to any benefice or cathedral preferment vested in or belonging to Her Majesty, or such corporation, trustees, officers, or persons : *Provided always, that where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the passing of this Act any such advowson or right of presentation vested in him, he shall be entitled to compensation for such advowson or right of presentation in the same manner as if the same were then actually vested in such person.*

Powers of Church after passing of Act.

19. From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom whereby the archbishops, bishops, clergy, or laity of the said Church are prohibited from holding assemblies, synods, or conventions, or electing representatives thereto, for the purpose of making rules for the well-being and ordering of the said Church; and nothing in any Act, law, or custom shall prevent the bishops of the said Church, and the clergy and laity of the said Church, by such representatives, lay and clerical, and to be elected as they the said bishops, clergy, and laity shall appoint, from meeting in general synod or convention, and in such synod or convention framing constitutions and regulations for the general management and good government of the said Church, and property and affairs thereof, and the future representation of the members thereof in diocesan synods, general convention, or otherwise.

20. ~~Subject to any alteration which may be made after the said first day of January one thousand eight hundred and seventy-one by the members for the time being of the said Church or their representatives, the present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, shall be deemed to be binding on the members for the time being thereof to the same extent and in the same manner in all respects as if such persons had mutually contracted and agreed to abide by and observe the same, and shall be enforced in the temporal courts accordingly; but nothing herein contained shall be construed to confer on any archbishop, bishop, or other ecclesiastical person any coercive jurisdiction whatsoever.~~

The present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, with and subject to such (if any) modification or alteration

A.D. 1869.

as after the first day of *May* one thousand eight hundred and seventy-one may be duly made therein according to the constitution of the said Church, for the time being shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had mutually contracted and agreed to abide by and 5 observe the same, and shall be capable of being enforced in the temporal courts in relation to any property which under and by virtue of this Act is reserved or given to or taken and enjoyed by the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly given, granted, or 10 conveyed upon trust to be held, occupied, and enjoyed by persons who should observe and keep and be in all respects bound by the said ecclesiastical law, and the said articles, doctrines, rites, rules, discipline, and ordinances of the said Church, subject as aforesaid; but nothing herein contained shall be construed to confer on any 15 archbishop, bishop, or other ecclesiastical person any coercive jurisdiction whatsoever: Provided always, that no alteration in the articles, doctrines, rites, or, save in so far as may be rendered necessary by the passing of this Act, in the formularies of the said Church, shall be binding on any ecclesiastical person now licensed 20 as a curate or holding any archbishopric, bishopric, benefice, or cathedral preferment in Ireland who shall within six months after the making of such alteration signify his dissent therefrom, nor shall such dissent operate to deprive such person of any annuity or other compensation to which under this Act he may be entitled. 25

Abolition of
ecclesiastical
courts and
ecclesiastical
law.

21. On and after the first day of ~~January~~ *May* one thousand eight hundred and seventy-one all legal and coercive jurisdiction, whether ~~voluntary~~, contentious, or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the time of the passing of this Act having any jurisdiction whatsoever 30 exerciseable in any cause, suit, or matter matrimonial, spiritual, or ecclesiastical, or in any way connected with or arising out of the ecclesiastical law of Ireland, shall cease; and on and after the said first day of ~~January~~ *May* one thousand eight hundred and seventy-one the Act of the session of the twenty-seventh and twenty-eighth years 35 of the reign of Her present Majesty, chapter fifty-four, shall be repealed, and on and after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, shall cease to exist as law.

Incorporation of
church body.

22. If at any time it be shown to the satisfaction of Her 40 Majesty that the bishops, clergy, and laity of the said Church in Ireland, or the persons who, for the time being, may succeed to the exercise and discharge of the episcopal functions of such

bishops, and the clergy and laity in communion with such persons, A.D. 1869.
have by arrangement amongst themselves appointed any persons or body to
represent the said Church, and to hold property for any of the uses
or purposes thereof, it shall be lawful for Her Majesty by charter to
5 incorporate such body, with power, notwithstanding the statutes of
mortmain, to hold lands to such extent as is in this Act provided,
but not further or otherwise.

Dealings between Commissioners and representative Church Body.

23. In the event of a representative corporate body, herein-after Redemption
of annuities
and life
interest of
ecclesiastical
persons.
10 referred to as "the representative body of the said Church," being
constituted in pursuance of this Act to represent the said Church,
any archbishop, bishop, or person holding any such benefice or cathedral
preferment as aforesaid, or any curate entitled to an annuity under this Act,
may after the first day of January one thousand eight hundred and seventy-
15 one apply to the commissioners to commute his annuity and the value of his
life interest, if any, in any ecclesiastical property held by him in pursuance of
this Act, exclusive of any income derived from pew-rents and burial-fees, for
a capital sum; and the commissioners, if satisfied that such annuity and life
interest is unincumbered, or, if incumbered, that the incumbrancers consent
20 to the commutation, and that the said representative body assent to such com-
mutation, and also, in the case of a curate, that the incumbent (if any), from
whose income the salary of such curate has been deducted as aforesaid, assents,
shall cause the then present value of such annuity and also of such life
interest, exclusive as aforesaid, to be estimated, and shall pay the amount of
25 such estimated value to the representative body of the said Church, charged
with the payment of the annuity in respect of which the capital sum is paid,
so long as the annuitant requires such payment to be made, but with power to
the representative body of the said Church to make such arrangements in
respect of the commuted value of the annuity with the annuitant, and as to
30 the disposal of such portion thereof, as shall after such arrangements be appli-
cable to church purposes, as shall to such body seem fit; and upon such
capital sum being paid, the annuity of such applicant shall cease, and all the
estate and interest of the said applicant in any such ecclesiastical property as
aforesaid shall vest in the commissioners.

35 Any person having a life interest in ecclesiastical property in pursuance of
this Act, although not the recipient of an annuity, shall be deemed to be an
annuitant for the purposes of this section, and such life interest may be valued
and commuted accordingly.

it shall be lawful for such representative body, at any time between
40 *the first day of May one thousand eight hundred and seventy-*
one and the first day of May one thousand eight hundred and

A.D. 1869. *seventy-two, but not afterwards, to apply to the commissioners for such commutation of life interests as herein-after mentioned, and thereupon the commissioners shall ascertain and declare the aggregate amount of the yearly income, to be computed as mentioned in section fourteen of this Act, of all persons holding on the first day of January one thousand eight hundred and seventy-one any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said church and entitled to compensation under section fourteen of this Act; and also the aggregate yearly value as on that day of any ecclesiastical property reserved to such holder under this Act and not passing under the provisions of this Act to the representative body herein-after mentioned, such yearly value to be the full and true value of the property after deducting all rates and taxes other than income tax, and to include the benefit (if any) derived from fines paid on renewal of leases on an average of fourteen years preceding the first day of January one thousand eight hundred and sixty-nine; and the commissioners, if the representative body shall satisfy them that such incomes and life interests are unincumbered, or if incumbered that the incumbrancers consent to the commutation, and also that the persons entitled to such incomes and life interests have consented in writing to such commutation and payment as herein mentioned, or, as regards those who have not so consented, that the due and punctual payment for their respective lives of the annuities which would be coming to them under section fourteen of this Act, and of the said yearly value of their life interests, is secured to them respectively by the said representative body, to the satisfaction of the commissioners, and by the purchase, if any such person shall require it, of a Government annuity for his life, to be held in trust to secure the payment of his annuity and life interest upon the terms mentioned in section fourteen of this Act, shall, as on the first day of May one thousand eight hundred and seventy-one, pay to the said representative body a capital sum equal to fourteen times the amount of the aggregate of such yearly incomes and yearly value of life interests; and thereupon the several annuities provided for such persons under section fourteen shall not take effect, and all the estates and interest of such persons in the ecclesiastical property included in such commutation shall vest in the commissioners.*

Building
charge to be
paid on
commutation
of annuity.

24. When any annuity is commuted as aforesaid, the commissioners shall, as soon as may be, ascertain and by order declare the amount of any building charge to which the archbishop, bishop, incumbent, or person holding such cathedral preferment, and therefore entitled to such annuity as aforesaid, or any persons or persons

claiming through or under him, may be entitled, after deducting such sum or sums of money (if any) as the commissioners may ascertain and declare to be just in respect of any dilapidations or want of proper repair in any of the buildings subject to such charge, and the commissioners shall thereupon pay to such archbishop, bishop, or person holding such benefice or cathedral preferment, or any person or persons claiming as aforesaid (as the case may be), the principal sum (if any) so ascertained and declared to be payable to him or them in respect of such building charge as aforesaid.

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25. The following enactments shall be made with respect to churches vested in the commissioners under this Act :

Enactments
with respect
to churches.

(1.) Where any church or ecclesiastical building or structure appears to the commissioners to be ruinous, or if a church to be wholly disused as a place of public worship, and not suitable for restoration as a place of public worship, and yet to be deserving of being maintained as a national monument by reason of its architectural character or antiquity, the commissioners shall by order vest such church, building, or structure in the secretary of the Commissioners of Public Works in Ireland, to be held by such secretary, his heirs and assigns, upon trust for the Commissioners of Public Works, to be preserved as a national monument, and not to be used as a place of public worship, and the commissioners shall ascertain, and by order declare what sum is in their judgment required for maintaining as national monuments the churches and buildings, and structures so vested, and shall pay such sum accordingly to the said secretary, to be held upon trust for the said commissioners, and to be applied by them in maintaining the said churches, buildings, and structures.

(2.) Where any church is in actual use at the time of the passing of this Act, and the representative body of the said church at any time within six months after the first of January May one thousand eight hundred and seventy-one, apply to the commissioners stating that they require such church for religious purposes, or for the purpose of taking the same down and erecting or enlarging another church or churches in lieu thereof, the commissioners shall by order vest the church in the said representative body of the said church, subject to any life estate or interest that is existing therein.

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- (3.) Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said church within the said prescribed period, and such church was erected at the private expense of any person, the commissioners shall, 5
on the application of the person who erected such church, if alive, or of his representatives if he died since the year one thousand eight hundred, by order vest such church in the applicant or applicants, or in such person or persons as he or they may direct : 10
- (4.) Where any church vested in the commissioners under this Act is not disposed of under the preceding sections, the commissioners shall dispose of such church and the site thereof in such manner as they think expedient :
- (5.) Where any church is vested in the representative body of 15
the said church by order of the commissioners, any schoolhouse belonging thereto or used in connexion therewith, *together with any land occupied with such schoolhouse,* and by this Act vested in the commissioners shall be included in the said order : 20
- (6.) No vesting order made under this section shall prejudice or affect the right of any person or persons to any vault or other place of burial within any church or ecclesiastical building, and every such vesting order shall be deemed to be subject thereto, and to all such other rights of sepulture 25
therein as may be subsisting at the date of such order.

Enactments
with respect
to burial
grounds.

26. The following enactments shall be made with respect to burial grounds vested in the commissioners :

- (1.) Where any church vested in the representative body of the said Church has a burial ground annexed or adjacent 30
~~thereto, but not separated therefrom by any public highway,~~
or that has been granted by a private donor to, or exclusively used by the parishioners attending the said church, such burial ground shall be included with the church in the order made by the commissioners, subject to any life 35
estate or interest subsisting therein, and pass to the said representative body accordingly, but without prejudice to such rights of or in respect of burial as may be subsisting therein, or may be thereafter declared to subsist therein by Act of Parliament; or *the commissioners* shall, at 40
the option of the said representative body, vest such burial ground in the guardians of the poor law union

within which the same may be situate, subject to a right of way in the said representative body, and the clergy and congregation attending the said church, and such other persons as may resort thereto for the purpose of divine worship, or for the purpose of repairing the said church, or for any other lawful purpose; and such guardians shall not allow any funeral to take place during the usual time of the ordinary services in the said church, and shall make such other regulations as may be found necessary from time to time to prevent any interference by persons attending funerals with the clergy or congregation attending the said church, and shall keep the wall or other fence, and the gates or doors of, and any road or path through, such burial ground to the church situate therein in good and sufficient repair, and shall, as far as may be consistently with the provisions herein-before contained, hold such burial ground for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of 'The Burial Act (Ireland) 1856,' and the statutory amendments thereof, for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament.

- (2.) Where any church conveyed to the secretary to the commissioners of public works for Ireland as aforesaid has a burial ground annexed or adjacent thereto, and also in every case other than those herein-before provided for in which a burial ground is vested in the commissioners under this Act, *unless such burial ground is in any private park, demesne, or ornamental grounds*, the commissioners shall vest such burial ground in the guardians of the poor of the poor law union within which the same may be situate, to be held by such guardians for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of the Burial Act (Ireland), 1856, and the statutory amendments thereof for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament; *and the commissioners may, in the case of burial grounds situate*

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in private parks, demesnes, or ornamental grounds, vest the same in such person and in such manner as the Lord Lieutenant in Council may direct in each particular instance.

Enactments
with respect
to eccle-
siastical
residences.

27. Where any church is vested in the representative body of the said 5
church in pursuance of this Act, and there is any ecclesiastical residence
vested in the commissioners which at the time of the passing of this
Act or within six months prior thereto is or has been occupied as a
residence by any ecclesiastical person performing or aiding in the
performance of the services in such church, any church vested in the 10
representative body of said church in pursuance of this Act, or in any
building temporarily used in place of a church, or where such resi-
dence being a see house is or has been occupied by the archbishop or
bishop of the see to which such residence belongs at the time of the 15
passing of this Act, or within six months prior thereto, the commis-
sioners shall, on the application of the representative body of the
said church, by order vest in that body such ecclesiastical residence,
with the garden and curtilage thereto, subject to such life estate or
interest, if any, as may be then subsisting therein, upon payment to 20
the commissioners of such sum as is herein after mentioned, that is to say;
where there is no building charge affecting the same, upon payment to the
commissioners of a sum equal to ten times the amount of the annual value of
the site of such ecclesiastical residence estimated as land, and of the said
garden and curtilage, such value to be determined in case of disagreement by 25
arbitration; and where there is a building charge affecting the same, on
payment to the commissioners of such one of the two sums herein after
mentioned as may be the smallest, that is to say, either the amount of such
building charge or a sum equal to the value of such ecclesiastical residence,
with the garden and curtilage thereto, taken at ten years purchase of the 30
annual value as estimated by the general tenement valuation, such payment to
be made, if there be no life estate or interest subsisting in such residence, to
the commissioners at the time of the making of the said vesting order, but if
there be a life estate or interest subsisting therein, then to be made to the
commissioners or persons entitled thereto, in place of the commissioners,
immediately after the determination of such life estate or interest. 35

Where the payment of the amount of any building charge or sum as
aforesaid is deferred in pursuance of this section, the amount thereof shall be
deemed to be a lien on the said ecclesiastical residence, and the garden and
curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall
not bear interest until the same becomes payable in pursuance of this section. 40

Church body to
certify that the
residences are
required.

*Provided always, that the said church body shall, in their appli-
cation for any such residences, certify that the same are required
as such for the archbishops, bishops, or clergymen, as the case may
be, of the said church.*

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And in any case, where any such residence and curtilage shall be so vested in the said body, the said commissioners shall upon their application also vest in them such lands, or such portion of such lands hitherto enjoyed with such residence, as may be suitably annexed thereto hereafter as glebe lands.

Commissioners to annex glebe lands to the residences.

Provided that such land shall not exceed thirty acres in the case of any archbishop or bishop, or ten acres in the case of any other clergyman of the said church.

Lands not to exceed 30 acres for bishop or 10 acres for clergyman ;

But the said commissioners shall have power to vary the said quantities of land, where necessary for its convenient occupation, or where loss or injury might result from its severance.

but the quantity may be varied according to convenience or injury by severance.

And the said commissioners shall also (subject to the approval of the Lord Lieutenant of Ireland in Council), out of the proceeds of the property by this Act vested in them, provide suitable houses of residence with lands of accommodation annexed thereto as glebe lands, for the following ecclesiastical persons :

The commissioners, subject to approval of Lord Lieutenant, to provide suitable houses and glebe lands.

(1.) For any archbishop, bishop, or other clergyman of the said church, in any case where a suitable house of residence and glebe lands shall not under the foregoing provisions have been vested in the said church body for the use of any such archbishop, bishop, or other clergyman of the said church.

1. For clergy of disestablished church where none is provided.

(2.) For any archbishop, bishop, parish priest, or other clergyman of the Roman Catholic church who shall have spiritual charge of any separate parochial or other territorial district, according to the regulations of the said church.

2. For Roman Catholic prelates and clergy.

(3.) For any clergyman or minister of the Presbyterian church who shall have spiritual charge of any separate territorial district, according to the regulations of such church.

3. For Presbyterian church.

Provided always, that the land so to be annexed shall not exceed thirty acres in the case of any archbishop or bishop, or ten acres in the case of any other clergyman or minister of any of the said several churches.

Quantity not to exceed 30 acres for prelate or 10 acres for other clergyman.

And the said commissioners shall have power to provide the said houses either by purchase or by defraying the expenses of their erection, and the said lands either by purchase or by assignment of the lands vested in them by this Act.

Commissioners may purchase or build houses and purchase or assign lands.

And the said Lord Lieutenant in Council shall, by proper rules, declare and define the persons in whom the said houses and land shall be vested for the use of the archbishops, bishops, and other clergy of the said Roman Catholic church and for the clergy of the said Presbyterian church.

Lord Lieutenant in Council to declare persons to hold houses and lands in trust for Roman Catholic and Presbyterian clergy.

And the said commissioners shall by order vest the said houses and lands in the said persons, upon trust for the said purposes

Houses and lands to be vested in such persons in

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trust for residence and accommodation without power of alienation, and with obligation to maintain in proper repair and condition.

of residence and accommodation, without power of alienation, or of use for any other purpose, and subject to the perpetual obligation to maintain the said houses in proper repair and the said lands in proper condition : Provided always, that where any such ecclesiastical residence is so vested in the said representative body by order 5 as aforesaid, such representative body shall have the like rights, powers, and remedies for recovering any sums due for dilapidations, and from the same persons, as the successor of any archbishop, bishop, or incumbent would have had if this Act had not been passed.

Power to convey additional land to church body.

28. Where any ecclesiastical residence is by order of the commissioners vested in the representative body of the said church, the commissioners may on the application of the said body by order vest a further portion of land in the said body ; that is to say,

1. In the case of a see house a quantity of land not exceeding thirty acres, being land usually occupied with the said see house ;
2. In the case of any other ecclesiastical residence a quantity of land not exceeding ten acres, being land usually occupied with the said ecclesiastical residence :

Provided always, that if the commissioners shall be of opinion that for the convenient enjoyment of the said house or residence, or by reason of the severance which would otherwise take place, an additional quantity of land should be granted, they shall by order vest such additional land in the said body.

There shall be paid to the said commissioners by the said representative body as the price of the land to be vested in them, in pursuance of this section, such sum as may be agreed upon or may be determined by arbitration.

Any vesting order made by the commissioners in pursuance of this section shall have annexed thereto a map accurately defining the land thereby vested.

Enactments with respect to private endowments.

~~**29.** Where any real or personal property becoming vested in the commissioners by virtue of this Act consists or is the produce of property or monies given by private persons out of their own resources since the year sixteen hundred and sixty, or consists or is the produce of monies raised by private subscription since such last mentioned year, and does not come within the description of a church or ecclesiastical residence in this Act otherwise provided for, the commissioners shall, on the application of the representative body of the said Church, by order vest such property, herein after referred to as a private endowment, in that body, if they apply to the commissioners for the same within six months after the said first of January one thousand eight hundred and seventy-one, but if no such application is made by the said~~

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representative body of the said Church to the commissioners within the said period, the commissioners shall, in the case of an endowment by a private person, if such person be alive, by order vest the same in him on his application, and if such person died since the year one thousand eight hundred, then, on application of his real or personal representatives, by order vest the property in them, so that the application be made by such private person or his representatives within six months after the expiration of the said prescribed period, but if no application be made by the said representative body of the said Church, or by any person by this Act authorized to make the same, within the period prescribed for such representative body and person respectively, then the commissioners shall dispose of the endowments aforesaid in such manner as they think expedient; and where any person proves to the satisfaction of the commissioners that he has at his own cost recovered by legal proceedings for the benefit of the said Church any property which will remain at the disposal of the said commissioners under the provisions of this Act, they may pay to him such sum in respect thereof as they may think fair and just, not exceeding in any case the value of the property so recovered, and the commissioners shall be at liberty to allow the reasonable expenses of applications under this section in such cases as they may think right.

In lieu of any real or personal property becoming vested in the commissioners by virtue of this Act which may consist or be the produce of property or monies given by private persons out of their own resources, or which may consist of or be the produce of monies raised by private subscription, and without prejudice to any life interests preserved or secured by this Act, the commissioners shall, on the application of the representative body of the said church, pay as at the end of six calendar months after the first day of May one thousand eight hundred and seventy-one to such representative body the sum of five hundred thousand pounds sterling.

CLAUSE C.

When any real property becoming vested in the commissioners consists of lands which have been appropriated or granted as the glebe or glebe land of any benefice, by or in pursuance of any royal grant or letters patent since the second year of the reign of Queen Elizabeth, the commissioners shall, on the application of the said representative body, made within six months after the first day of May one thousand eight hundred and seventy-one, by order vest such property in such representative body, subject to any life interest subsisting therein.

Where any real or personal property becoming vested in the commissioners in pursuance of this Act, on the said first of January one thousand eight hundred and seventy-one, and coming within the description of a private endowment, consists of part of a house or other building, or of part of a field, or part of any property that cannot be conveniently divided, the commissioners shall ascertain and by order declare the annual value of the part which is

Enactments
with respect
to mixed
endowments.

A.D. 1869. ~~private endowment and of the other part, and it shall be lawful for the representative body of the said Church, or any person or body of persons authorized by this Act, to apply for an order vesting a private endowment in him or them, to do one of the following things, either to require the whole of such property to be vested in him or them on payment to the commissioners of the value of such part of the property as does not consist of private endowment, or to require the commissioners to pay to such person or body of persons as aforesaid the value of such part of the property as consists of private endowment.~~ 5

~~There shall be paid by or to the commissioners, according to circumstances, on account of any property in respect of which money is made payable under this section, such amount as may be determined by the commissioners, subject to arbitration as herein after mentioned, not exceeding in the case of a building twelve times the annual value of the part in respect of which the money is payable, or in case of any other description of property twenty two times and a half the annual value of the part in respect of which the money is payable.~~ 10 15

Moveable
chattels
belonging
to see or
Church.

31. All plate, furniture, and other moveable chattels belonging to any church or chapel, or used in connexion with the celebration of divine worship therein, shall vest in the representative church body when incorporated; and, subject to the life enjoyment of same by the existing incumbents, all moveable chattels held and enjoyed by the incumbent for the time being of any see, cathedral preferment, and benefice in his corporate right, together with or as incident to the occupation of any ecclesiastical residence, shall also vest in the same body when incorporated; and where any property is vested in any ecclesiastical or cathedral corporation in Ireland in trust for the poor or any other charitable purpose, the dissolution of such corporation shall not affect the continuance of the trust, but such property shall immediately upon such dissolution vest in the representative body of the said church, or in default of and until the same shall be constituted, in the commissioners for the execution of this Act, but subject always to the trusts affecting the same, and under the same supervision, local or otherwise, as theretofore, or as near thereto as the circumstances of the case will admit; and in all cases where ecclesiastical persons are at present in right of their dignities or offices entitled to be members of any lay corporations constituted for the management of any private endowment, or are trustees for the management of property belonging to institutions of private foundation for purposes not ecclesiastical, then the persons (if any) who shall hereafter at any time discharge duties similar or analogous to those now discharged by such ecclesiastical persons, shall be entitled to succeed in their room, and be members of such lay corporations, and to act as such trustees. 20 25 30 35 40

Management of Property by Commissioners.

A.D. 1869.

32. No application under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate
 5 or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands shall be made after the expiration of three years from the first day of ~~January~~ *May* one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate
 10 or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid :

Limitation of right to purchase fee simple in consideration of perpetual rent.

In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance, or to the renewal of any lease, shall be done by the
 15 Ecclesiastical Commissioners for Ireland, such provision shall be construed as if the commissioners hereby constituted were named therein instead of such Ecclesiastical Commissioners.

33. The commissioners may at any time after the first day of ~~January~~ *May* one thousand eight hundred and seventy-one, sell any
 20 rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge; and upon any such sale being so made, the commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same
 25 shall merge and be extinguished accordingly.

Sale of tithe rentcharge to owners of land.

~~Upon the application of any owner so purchasing, the commissioners may, by order, declare his purchase money or any part thereof to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years~~
 30 ~~thence next ensuing, with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceeding the passing of this Act entitled to deduct for poor rates from the tithe rentcharge payable by him, or for such less number~~
 35 ~~of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years.—The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges,~~
 40 ~~if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands.~~

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~~"Owner" for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine. the sum herein-after named; and upon any such sale being so made, the commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.~~ 5

If the owner elects to pay the purchase money for the same in full at once in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates. 10

If the owner applies for the benefit of payment by instalments as herein-after provided, in consideration of a sum equal to twenty-two and a half times the annual amount of such rentcharge (without such deduction for poor rates). 15

And the commissioners may, in such case, by order, declare his purchase money or any part thereof to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rentcharge payable by him, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and encumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands. 20 25 30 35

"Owner" for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine. 40

Commis-
sioners may
purchase
surrender or
assignment
of lease.

34. The commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation.

35. The commissioners may at any time after the first of ^{A.D. 1869.}
 January *May* one thousand eight hundred and seventy-one sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act, and to the following conditions : ^{Power of commissioners to sell their property.}

- 10 (1.) They shall not sell to the public any perpetual yearly rent issuing out of any land, or any right to mines or quarries, in any land where the fee simple of the land subject to such rent or right is vested in some person other than the commissioners, until they have given notice to the owner of such land that they are willing to sell the same to him at the price herein-after mentioned, and the owner has declined to accept their offer :
- 15 (2.) Perpetuity rents shall be offered to the owner of the land out of which they issue at a capital sum equal to twenty-five times the annual amount of such rents :
- (3.) The price of the rights to mines or quarries shall be fixed by the commissioners by order :
- 20 (4.) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest :
- 25 (5.) They shall not sell to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease or tenancy, until they have given notice to the lessee *or tenant* that they are willing to sell the fee simple to him for a price to be named by the commissioners in such notice, and such lessee or tenant has declined to accept their offer ; and they shall not sell
- 30 to the public the fee simple of any land which is held immediately from or under the commissioners by virtue of any lease for twenty-one years, or for three lives, or twenty-one years, or for forty years, or for three lives, until the expiration of three years from the first day of
- 35 January one thousand eight hundred and seventy-one :
- (6.) Notice shall be given to the owner, where such owner is known to the commissioners, by sending by post a letter containing the terms of the offer addressed to him at his last known place of abode ; where he is not known, notice
- 40 may be given by advertising the terms in the Dublin Gazette, and in one or more local newspapers as the commissioners may determine :

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(7.) An owner shall be deemed to have declined to accept the offer of the commissioners if he do not accept the same in writing, and pay or secure the purchase money to the commissioners within three months after the giving of such notice as aforesaid :

5

(8.) "Owner of land" for the purposes of this section shall include a "limited owner" as defined by the "Landed Property (Ireland) Improvement Act, 1860;" and any limited owner may raise the money required for any purchase under this section or any part thereof, by mortgage (at a rate of interest not exceeding five pounds per centum per annum) of the land of which he is such limited owner as aforesaid.

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Any person purchasing from the commissioners shall hold the lands, tenements, and hereditaments purchased by him subject to all tenants rights of renewal to which the same were subject in the hands of the commissioners at the time of such sale.

15

Orders of
commission-
ers operating
as convey-
ance or mort-
gage to be
liable to same
stamp duty
as convey-
ances or
mortgages.
Payment of
money into
bank.

36. Every order of the commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp duty accordingly.

20

37. All purchase monies, rents, and other monies whatsoever payable to the commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner as may from time to time be determined by the Commissioners of the Treasury.

25

Accounts of
capital and
revenues.

38. The commissioners appointed under this Act shall prepare, in such form, and either annually or for such shorter periods as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period, to which the accounts relate, the commissioners shall transmit the same to the Comptroller and Auditor General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before the House of Commons both Houses of Parliament not later than two months after

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the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting, then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-
 5 before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

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Regium Donum and College of Maynooth.

39. When the annual parliamentary grant for the expenses of the non-conforming, seceding, and protestant dissenting ministers
 10 in Ireland, commonly called the Regium Donum, and in this Act referred to by that name, is discontinued, the commissioners shall as soon as may be after such discontinuance ascertain and declare by order the amount of the yearly sum theretofore received thereout by each minister of any Protestant non-conforming congregation in
 15 Ireland, or which he would have been entitled to receive if such grant had not been discontinued, and shall pay to each such minister, so long as he lives and is continued in the ministry, by and with the consent of the governing body of the church or religious community to which he may belong, an annuity equal to the yearly
 20 amount so ascertained as aforesaid.

Compensation to non-conforming ministers.

The commissioners shall also on such discontinuance as aforesaid ascertain and declare by order the amount of any yearly sum to which any assistant successor to a minister in such congregation may be prospectively entitled, and shall secure to such successor a
 25 deferred life annuity of the same value and payable in the same events as the yearly sum for which it is substituted. The commissioners shall also ascertain and declare by order what Protestant non-conforming congregations were on the first day of March one thousand eight hundred and sixty-nine fulfilling the conditions
 30 necessary for eventually obtaining out of the Regium Donum the payment of yearly sums for their respective ministers, and what would have been in each case the amount of such yearly payment, and the time at which the same would have begun to be payable, and shall as from that time pay to the minister of each such con-
 35 gregation a life annuity, subject to the same conditions as aforesaid, equal to the amount of the yearly payment which he would have become entitled to receive on the fulfilment of the necessary conditions, if the grant of the Regium Donum had not been discontinued: Provided always, that no minister placed in a congregation,
 40 or becoming assistant successor, for the first time after the passing of this Act shall be entitled to any annual sum by way of compensation.

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Commuta-
tion of
annuities
of noncon-
formist
ministers
and pro-
fessors at
Belfast.

40. Any minister or assistant successor of any Protestant non-conforming congregation, to or for whom any annuity is paid or secured under this Act by reason of the discontinuance of the said grant called the Regium Donum, may apply to the commissioners to commute his annuity for a capital sum to be paid to him, and 5 the said commissioners, if satisfied that the annuity of the applicant is not incumbered, or if incumbered that the incumbrancers consent to the commutation, shall cause the then present value of the annuity to be estimated, and shall pay the amount of such estimated value to trustees, such trustees to be appointed in the case of any 10 such minister or assistant successor as aforesaid by such minister or assistant successor and the General Assembly or synod or presbytery, as the case may be, of the church or religious community to which such minister or assistant successor may belong.

Repeal of
Maynooth
Acts.
Compensa-
tion on the
cessation of
certain
annual sums.

41. On and after the first day of ~~January~~ *May* one thousand eight 15 hundred and seventy-one the Act of the Irish Parliament of the fortieth year of the reign of His late Majesty King George the Third, chapter eighty-five, except the fourth and fifth sections thereof, the Act of the eighth and ninth years of the reign of Her 20 present Majesty, chapter twenty-five, except the first three sections thereof, and the Act of the twenty-third and twenty-fourth years of the reign of Her said present Majesty, chapter one hundred and four, shall be and the same are hereby repealed, save in respect of any pecuniary and individual interests at present existing against the trustees. 25

When the annual sums herein-after mentioned cease to be paid, compensation shall be made in respect thereof by payment of capital sums as follows, that is to say:

- (1.) In respect of the annual sum paid out of the said Regium Donum to the fund for supporting the widows and orphans 30 of ministers of the synod of Ulster, by payment of the capital sum herein-after mentioned to the Presbyterian Widows Fund Association.
- (2.) In respect of the several annual sums paid out of the Regium Donum to the said association, and also to the trustees of 35 other widows' funds of certain Protestant non-conforming bodies respectively, such sums to be ascertained on an average of such number of years as the commissioners may think fit by payment of the capital sums herein-after mentioned to the said association and trustees of the said 40 widows' funds respectively.
- (3.) In respect of the several sums paid annually by ministers in receipt of Regium Donum to the said widows' funds respec-

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tively out of their first year's income derived from the Regium Donum on such average as aforesaid, by payment of the capital sum herein-after mentioned to the said association and the said trustees respectively.

- 5 (4.) In respect of the annual sum paid out of the Regium Donum to or on account of the clerks of the synod by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the moderator of the General Assembly or of the synod or presbytery for whose benefit
10 such annual payment was heretofore made as aforesaid.
- (5.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors, and for the incidental expenses of the General Assembly's college at Belfast, by payment of the capital sum herein-after mentioned to
15 trustees not exceeding seven in number consisting of the existing trustees of the said college and additional trustees to be appointed in that behalf by the said General Assembly of the Presbyterian Church in Ireland, or by the majority of them.
- 20 (6.) In respect of the buildings of the said college, a sum not exceeding fifteen thousand pounds to the said trustees as last aforesaid.
- (7.) In respect of the annual sums granted by Parliament for the salaries of the Theological Professors of the non-subscribing associations of Presbyterians, by payment of the capital
25 sum herein-after mentioned to trustees to be appointed in each case by the professors and presidents of such associations.
- (8.) In respect of the annual sum paid during the financial
30 year ending the thirty-first day of March one thousand eight hundred and sixty-nine to the trustees of the College of Maynooth in pursuance of the Act of Parliament in that behalf, by payment of the capital sum herein-after mentioned to the trustees of the said college.
- 35 The capital sum to be paid by the Commissioners in respect of each of the annual sums aforesaid shall be fourteen times the amount of each such annual sum. *And provided further, that in case of the retirement or removal from office of the present president or vice-president, or of any of the existing masters or professors of*
40 *Maynooth College, on account of age, permanent infirmity, or any cause other than his own wilful default, such president, vice-president, master, or professor shall be entitled to receive from the*

A.D. 1869. *trustees by way of retiring allowance an annual sum equal to two thirds of his actual salary at the time of his retirement or removal.*

Remission
of debt to
trustees of
Maynooth.

42. Any sums of money remaining due from the trustees of the said College of Maynooth to the Commissioners of Public Works in Ireland, in respect of advances made by the said commissioners 5 on the security of the sums payable to the said trustees under the sixth section of the said Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, shall be and the same are hereby released.

Appeal.

10

Regulations
as to appeal.

43. The following rules shall be enacted with respect to appeals against the orders of the commissioners :

(1.) Where any person feels or where the said representative body feel aggrieved by the value set by the commissioners on any life interest or other interest in respect 15 of which compensation is awarded to him or payment is to be made under this Act, and where any person feels aggrieved by the value set by the commissioners on any advowson or right of presentation in respect of which he is awarded compensation under this Act, he may, if he such person or 20 body (as the case may be) may if he or it think fit, refer such question to arbitration :

(2.) ~~Where any person feels aggrieved by any judgment or order of the commissioner in respect of any private endowment, he may appeal therefrom to the Court of Appeal in Chancery in Ireland, and the 25 opinion of such court shall be conclusive, but save as aforesaid no appeal shall be had from any judgment or order of the commissioner.~~

SUPPLEMENTAL PROVISIONS.

Compensation to certain Officers.

30

Possession to
be given up
of 24, Upper
Merrion
Street.

44. The possession of the house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the said Ecclesiastical Commissioners, and all furniture and fittings therein, and also all books, accounts, deeds, maps, documents, and papers whatsoever at the date of this Act belonging to the said Eccle- 35 siastical Commissioners, or under their control, or the control of any of their officers, shall immediately after the passing of this Act be

delivered up by the person or persons having charge of the same respectively to the commissioners. A.D. 1869.

45. There shall be paid to Arthur Edward Gayer and William Charles Quin (two of the said Ecclesiastical Commissioners) the
 5 annual sum of one thousand pounds each during their natural lives respectively, and to Robert Franks (their secretary), to George Lefroy (their treasurer), to the solicitor, and to the several other officers and clerks of the said Ecclesiastical Commissioners whose services may not be required by the commissioners hereby consti-
 10 tuted, such annual sums respectively as the said last-mentioned commissioners, with the assent of the Lord Lieutenant, may recommend, and shall be approved of by the Commissioners of the Treasury; and if the services of such officers are required by the commissioners hereby constituted, such services shall, for all pur-
 15 poses of superannuation, be deemed a continuance of their former services.

Compensa-
tion to Ec-
clesiastical
Commis-
sioners and
their officers.

46. The commissioners shall ascertain and by order declare the amount of the fees or other emoluments received by each vicar-general, official principal, commissary-general, or chancellor, or
 20 registrar or joint registrar of any diocese or united dioceses or any peculiar or exempt jurisdiction in Ireland, or by the registrar of any cathedral corporation, or by the auditor appointed under the said Act of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, on an average of
 25 the three years ending the first day of January one thousand eight hundred and sixty-nine, and of which they may be deprived by this Act; and shall, as from the first day of ~~January~~ *May* one thousand eight hundred and seventy-one out of any funds for the time being in the hands of the commissioners under
 30 the provisions of this Act, pay to each such vicar general, official principal, commissary-general, chancellor, or registrar, and auditor respectively during his life, an annuity equal to the average amount of his fees and other emoluments ascertained as aforesaid; and shall also pay to each such officer the amount of
 35 any fees of which he shall show to the satisfaction of the Commissioners that he has been actually deprived during the interval between the passing of this Act and the first day of *May* one thousand eight hundred and seventy-one by virtue of the provisions of this Act: provided always, that in any case where a deputy registrar
 40 shall for five years before the passing of this Act have discharged the duty of the office of registrar, such deputy registrar shall receive from the commissioners such sum by way of compensation for the

Compensa-
tion to vicars
general and
other officers
by annuities
equal to their
average in-
come for the
three years
ending
1st January
1869.

A.D. 1869. loss of his office as the commissioners shall think right, and such sum shall be deducted from the amount payable under this Act to the principal registrar: provided further, that it shall be lawful for such commissioners to grant to all managing and other clerks who have been continuously employed in the office of the said provincial or diocesan registry for five years or upwards immediately before the passing of this Act, and who may sustain any loss of emolument by reason of the passing of the same, such reasonable allowance as the said commissioners may deem just and proper.

Benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and George, Dublin. 47. The commissioners shall ascertain whether the chancellor and prebendaries of Christ Church, Dublin, *or any other ecclesiastical person*, are or are not entitled to any right of succession in the benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin, *or any other benefice or benefices*, and, if entitled, shall award to them respectively such sum in compensation for the same as shall seem to them just.

Delivery up of Documents.

Delivery up of books by registrar. 48. All and singular the records, books, accounts, deeds, maps, documents, and papers whatsoever which in anywise relate to or concern any of the property or premises vested or to become vested in the commissioners under any of the provisions of this Act shall, within three months next after the said first day of ~~January~~ *May* one thousand eight hundred and seventy-one, be delivered up to the commissioners by the respective registrars of the several provincial and diocesan or united diocesan or other registries in Ireland, or other the officers then having the custody or possession of the same respectively, *on getting receipts therefor from the said commissioners: Provided always, that the said commissioners shall preserve the said books, accounts, deeds, maps, documents, and papers, and shall permit reasonable access to the same, and shall hand over to the said representative body such of the said books, accounts, deeds, maps, documents, and papers, if any, as may exclusively relate to property to which the said representative body shall have become entitled, and certified copies of such of them as may relate to the said property, jointly with other properly, and at the close of the commission shall lodge the residue thereof in the Public Record Office of Ireland.*

Dealings with Property.

Commissioners not to expend moneys in building. 49. It shall not be lawful for the commissioners to expend any money whatever in or about the building, rebuilding, or enlarging of any cathedral or other church, or any chapel, see-house, glebe-

house, or other building belonging to the said church or to any person holding office therein, or connected therewith, or in enlarging or improving any churchyard or graveyard, nor to grant or advance any money for the purposes aforesaid, or any of them, *except such sums as the Ecclesiastical Commissioners of Ireland shall before the first of March last have engaged or agreed to expend for such purposes, or such as, in the opinion of the Commissioners, they may since that date in due and ordinary course of business have engaged or agreed to expend for such purposes.*

A.D. 1869.

- 10 **50.** It shall not be lawful for the commissioners, after the first day of ~~January~~ *May* one thousand eight hundred and seventy-one, to expend any money whatever upon any such buildings, churchyard, or graveyard as aforesaid, whether for repairs or otherwise, not in payment of salaries of clerks or sextons of any parish, chapelry, or
- 15 chapel of ease who may be appointed after the passing of this Act, or in providing any church or chapel with fuel, lighting, or things necessary for the celebration of Divine service, nor to grant or advance any money for the purposes aforesaid, or any of them, *except such sums as the Ecclesiastical Commissioners shall before*
- 20 *the first of March last have engaged or agreed to expend for such purposes* : Provided, that in the meantime, and until the said first day of ~~January~~ *May* one thousand eight hundred and seventy-one, it shall be lawful for the commissioners to expend such sums of money as they may ascertain, and by order declare, to be necessary for
- 25 keeping any such buildings as aforesaid in substantial repair and preservation, or for providing any church or chapel with fuel, lighting, or other things requisite for the decent performance of Divine worship as heretofore in such church or chapel.

Commis-
sioners not
to expend
moneys in
repairs.

- 51.** Nothing herein contained shall affect the right of any
- 30 archbishop, bishop, or person holding any benefice or cathedral preferment in the said Church, and whose annuity has not been commuted in pursuance of this Act, to receive the amount of any building charge to which such archbishop, bishop, or other person would have been entitled if this Act had not passed ; and in
- 35 the event of the circumstances occurring under which such person or his representatives would have been entitled, if this Act had not passed, to receive such charge, the commissioners shall pay the same to such person or his representatives.

Payment of
building
charge.

- 52.** Every annuity payable by the commissioners under this Act
- 40 shall be deemed to accrue due from day to day, and shall be paid at such intervals not exceeding in any case six months, and in such manner as the commissioners may judge expedient.

Regulations
as to pay-
ment of
commutation
and annuity.

A.D. 1869. The commissioners may deduct from any annuity payable by them any sums they may have been required to pay to any incumbrancer in respect of any charge which would have been payable out of the property for which such annuity is substituted if no substitution had taken place, *subject to the like provision thereout for the discharge of the spiritual duties of the see or benefice as the income thereof would have been liable to if this Act had not been passed.* 5

All commutation moneys paid under this Act in lieu of annuities shall be calculated at the rate of three pounds ten shillings per centum per annum. 10

Power of commissioners to accept mortgages as security for a portion of purchase money.

53. Where the commissioners sell any land or interest in land in pursuance of this Act, the commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of four per centum per annum, secured to the satisfaction of the commissioners; and any such purchase money may be made payable by half-yearly instalments, not exceeding sixty-four in number. 15

Power to pay by instalments.

54. Where the commissioners are authorized or required under this Act to pay any capital sum in respect of any commuted annuity they may, if they think fit, instead of paying such sum at once, elect to pay the same by half-yearly instalments, not exceeding eight in number, together with interest at the rate of three and a half pounds per cent. on any part of the capital for the time being remaining unpaid. 20 25

Where the representative body of the said church is liable to pay any capital sum to the commissioners, such capital sum may be paid by twenty-two yearly instalments with interest at the rate of three and a half per cent. on the amount of the purchase money remaining unpaid, to be secured in such manner as the commissioners think expedient. 30

Sales of lands, &c. may be made in Landed Estates Court.

55. If in any case in which the commissioners are by this Act authorized or directed to sell any property it appears to them to be expedient that the same should be sold, or the sale thereof carried out, in the Landed Estates Court in Ireland, it shall be lawful for the commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon such sale shall be effected or carried out in and by the said court accordingly; but any right of pre-emption herein-before declared shall be as far as possible preserved in the said court; and the conveyance of the premises so to be sold, or the sale of which may be carried out, under any such order, shall be 35 40

executed by a judge of the said court, and shall have the same force and operation in all respects as if the same were so executed in a matter in which an absolute order for sale of the said premises had been duly made by the said court on a petition filed therein for that
5 purpose.

A.D. 1869.

Saving claim
of arrears of
rent, &c.

56. The vesting of any property in the commissioners under this Act shall not preclude any person entitled from recovering any arrears of rent, interest, or other sums payable at the time of such vesting, out of or in respect of such property, and such arrears,
10 interest, or other sum may be recovered by such person in the same manner in all respects as if such vesting had not taken place; and where any person is deprived of any rent, interest, or other sum payable out of or in respect of property by reason of such property vesting in the commissioners under this Act, the commissioners, after
15 deducting any rates or charges payable thereout, shall pay to such person a proportionate part of such rents, interest, and other sums in respect of the time that may have intervened between the last day at which such person was entitled to receive such rents, interest, or sums, and the time of the vesting of the property in the
20 commissioners.

Provision
for other
persons
under dis-
ability.

57. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person
25 may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of
30 any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estates if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under
35 an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any
40 proceeding under this Act, and from time to time remove or change such next friend.

58. If in any case any such advowson or building charge as is mentioned in this Act is so circumstanced as that there is not in

Provision
as to inca-

A.D. 1869.

pacitated
owners.

the opinion of the commissioners any person competent to give an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the commissioners so to declare by order, and thereupon the compensation or amount so payable by the commissioners shall be paid into the Bank of Ireland, ex parte the commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland and dealt with in pursuance of the Land Clauses Consolidation Act, 1845; and in the construction of that Act this Act shall for the purposes of this section be deemed to be the special Act.

Power for
officers of
commis-
sioners to
enter upon
land.

59. Any surveyor or other person employed by the commissioners for the purpose of ascertaining the value of any land or buildings which, or the reversion of which may be vested in the commissioners under this Act, may enter upon such land or buildings at all reasonable times during the day, upon making full compensation for any damage he may do for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the commissioners for the purpose of carrying this Act into effect.

Power of the Commissioners to raise Money.

Commission-
ers to raise
money for
the purposes
of the Act.

60. The commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the commissioners may give as security for the repayment of any moneys so raised, and of interest thereon, the whole or any part of the property vested in them by this Act.

Power for
Treasury to
advance
money to
commis-
sioners.

61. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time, out of any money in their hands under the Act of the session of the twenty-sixth and twenty-seventh years of Her Majesty (chapter eighty-seven), "to consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty (chapter fourteen), "to grant additional facilities for depositing small savings at interest with the security of the Government for due repayment thereof," or under both those Acts, advance to the commissioners, with such guarantee as is by

this Act authorized (but not otherwise), the whole or any part or parts of the money which by this Act the commissioners are authorized to raise. A.D. 1869.

62. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the commissioners in pursuance of this Act. Power for Treasury to guarantee advance to commissioners.

63. Any security given by the commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Majesty's Treasury may approve, and there shall be certified thereon, in such form as the said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned commissioners in pursuance of this Act. Form of security and guarantee.

64. For the purpose of giving effect to the guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury, from time to time, in aid of any money applicable under this Act, for payment of principal and interest for the time being accrued due in respect of any moneys raised by the commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively. Guarantee to be based on Consolidated Fund.

65. In case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid to the said Consolidated Fund out of the funds in the hands of the commissioners. Repayment to Consolidated Fund.

Arbitration.

66. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act with respect to the settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that, in cases where the Board of Trade is thereby authorized to appoint an umpire, the Commissioners of Public Works in Ireland shall have power to appoint the same. Rules as to arbitration.

Temporary Provisions.

67. If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Regulation as to vacancies.

A.D. 1869. Church between the date of the passing of this Act and the first day of ~~January~~ *May* one thousand eight hundred and seventy-one, the following enactments shall be made with respect to such vacancy :

- (1.) All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any such vacant archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any person *as* holding any such archbishopric, bishopric, benefice, or cathedral preferment, shall vest in the commissioners, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same :
- (2.) Her Majesty may in the case of a vacant archbishopric, on the requisition of any three bishops of the province, and in the case of a bishop, on the requisition of the archbishop of the province in which such bishopric is situate, or of any three bishops of the same province, fill up the vacancy ; but no archbishop or bishop so appointed shall be summoned to or be qualified to sit in the House of Lords, and he shall be subject to the provisions herein-after mentioned :
- (3.) In the case of any vacant benefice or cathedral preferment, such vacancy may be filled up by the same person or persons who would have been qualified to fill up the same if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned :
- (4.) Every person appointed to fill any vacancy in pursuance of this section shall be subject to all the provisions of this Act, and he shall not be entitled to any compensation in respect of any annuity or other interest of which he may be deprived by virtue of this Act, *and no person appointed to fill any vacancy in pursuance of this section shall be liable to pay any ad valorem duty or tax to the Crown, or* any ad valorem fees to the ecclesiastical registries, neither shall he be bound to pay any building charge upon the preferment or benefice in which the vacancy shall have occurred :*

Provided always, that if the owner of any archbishopric, bishopric, benefice, or cathedral preferments *or any curate* be appointed to fill a vacancy in any other archbishopric, bishopric, benefice, or other cathedral preferments, such person notwithstanding such appointment shall still have and retain all such life estate or interest, and all the rights and privileges to which he would have been entitled if he had not accepted

* The words in black type are proposed to be added by the Commons.

A.D. 1869.

such appointment; and in the meantime he shall pay over the net income of the archbishopric, bishopric, benefice, or cathedral preferment held by him at the time of such appointment to the representative body of the said Church, who shall thereout make
 5 such provision for the discharge of the spiritual duties in the said last-mentioned archbishopric, bishopric, benefice, or cathedral preferment or curacy, as in the case of an archbishopric or bishopric shall be directed in writing by the person or persons authorized thereto by the representative body of the said Church, or in the
 10 case of a benefice or cathedral preferment by the bishop of the diocese for the time being, or in case of a curate employed under obligation of law by the incumbent.

(5.) The commissioners may pay to any person appointed to fill a vacancy in pursuance of this section, during such time
 15 as he may occupy his office between the date of the passing of this Act and the said first January *May* one thousand eight hundred and seventy-one, a sum equal, as nearly as the commissioners can determine, to the net annual income of the archbishopric, bishopric, benefice, or cathedral preferment to which he is appointed, or a proportionate part thereof, according as he holds his office for the whole time
 20 or a portion only of such time.

In case of any commutation as herein-before provided it shall be lawful for the commissioners, at the desire of the holder of any
 25 *archbishopric, bishopric, benefice, or cathedral preferment, to exclude from such commutation any house or land reserved to such holder by this Act which shall be in his actual occupation.*

CLAUSE D.

Surplus.

68. When it appears to the commissioners ~~that they have fulfilled~~
 30 ~~all the directions contained in this Act, and that the objects of this Act have been fully attained, or that adequate provisions have been made for effectuating the same, the commissioners shall so report to Her Majesty, and thereupon it shall be lawful for Her Majesty, by order in council, to direct that, subject to all subsisting charges upon the ecclesiastical~~
 35 ~~property then vested in commissioners, whether such charges may exist previously to the passing of this Act, or may be created under any of the provisions of this Act, such property shall be applied, under the management and control of the Poor Law Commissioners for Ireland, to the following purposes, or any of them; that is to say,~~

Ultimate trust of surplus.

40 (1.) ~~The support of infirmaries, hospitals, and lunatic asylums, in exoneration of the grand jury cess, or other assessment in lieu thereof.~~

A.D. 1869.

(2.) ~~The support of reformatory and industrial schools under the Reformatory and Industrial Schools (Ireland) Acts, in aid of other grants for that purpose.~~

(3.) ~~The salaries of trained or skilled nurses for poor persons in sickness or in labour.~~ 5

(4.) ~~The suitable education and maintenance of the blind, and of the deaf and dumb poor in separate asylums.~~

(5.) ~~The suitable care, training, and maintenance, in separate asylums, of poor persons of weak intellect not requiring to be kept under restraint.~~ 10

The commissioners may from time to time during their trust report to Her Majesty whether there is any income available for the purposes mentioned in this section, and upon such report being made, it shall be lawful for Her Majesty by order in council to direct such available portion of income to be applied for the aforesaid purposes, or any of them, under such management and control as aforesaid, *the property then vested in the commissioners shall, subject to all subsisting charges thereon, whether charges existing previously to the passing of this Act, or created under the provisions of this Act, be applied in such manner as Parliament shall hereafter direct.* 15 20

Saving Clauses.

Provision as to Acts relating to United Church of England and Ireland.

69. In all enactments, deeds, and other documents in which mention is made of the United Church of England and Ireland, the enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of 25 Ireland, but, as to the last-mentioned Church, subject to the provisions of this Act.

Saving rights as to proprietary chapels and ease.

70. Nothing in this Act contained shall affect the patronage or right of presentation to any proprietary or district parochial church or endowed chapel of ease, which has been endowed out of private 30 funds, or affect the property in any such church or chapel, or the property held for the purposes of or appropriated to the use of the same, or affect the continuance of the trust relating thereto as originally constituted.

Saving of Act of 39 & 40 G. 3. c. 67.

71. Nothing herein contained shall affect the Act of the session 35 of the thirty-ninth and fortieth years of the reign of King George the Third, chapter sixty-seven, and intituled "An Act for the Union of Great Britain and Ireland," or an Act of the Irish Parliament passed in the fortieth year of the reign of King George the Third, and also intituled "An Act for the Union of Great Britain and 40 Ireland," or anything done thereby, except in so far as relates to the union of the Churches of England and Ireland, and except as expressly herein-before provided.

Construction of Act.

A.D. 1869.

72. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the

Interpreta-
tion.

5 subject or context repugnant thereto ; (that is to say,)

“ Lord Lieutenant ” shall mean and include the lords justices or other chief governors or governor of Ireland :

“ Lord Lieu-
tenant : ”

“ Lease ” shall include an agreement for a lease, or other contract of tenancy, and the estate or interest created or agreed to be created thereby :

“ Lease : ”

10

“ Ecclesiastical person ” shall mean and include any archbishop or bishop, or person holding any benefice or cathedral preferment as herein-after defined :

“ Ecclesias-
tical per-
son : ”

15

“ Church ” shall include a public chapel or chapel of ease, also a cathedral or collegiate church :

“ Church : ”

“ Benefice ” shall mean and include every parish, rectory, vicarage, perpetual curacy, donative, chantry, endowed public chapel, parochial chapelry, and chapelry or district annexed or reputed to be annexed, to any church or chapel, and whether the same be or be not within any exempt or peculiar jurisdiction :

“ Benefice : ”

20

“ Glebe house ” shall mean a house of residence belonging to any benefice as herein-before defined :

“ Glebe
house : ”

“ Cathedral preferment ” shall mean and include every deanery, archdeaconry, prebend, canonry, chaplaincy, office of minor canon, chantry, office of priest vicar, vicar choral or choirman, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church :

“ Cathedral
preferment : ”

25

“ Cathedral corporation ” shall mean any dean and chapter or chapter, and also any corporation of minor canons, or vicars and choirmen, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Ireland :

“ Cathedral
corpora-
tion : ”

35

“ Curate ” shall include residentiary preacher or reader :

“ Curate : ”

“ Property ” shall include things in action and rights of action :

“ Property : ”

“ Jurisdiction ” shall mean legal and coercive power, and shall not extend to or include any power or authority which may be exercised in a voluntary religious association, upon the footing of mutual contract or agrèement.

“ Jurisdic-
tion. ”

40

Irish Church.

A

BILL

[AS AMENDED BY THE LORDS]

INTITLED

An Act to put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth.

*Ordered, by The House of Commons, to be Printed,
12 July 1869.*

[Bill 209.] +
Under 6 oz.

Irish Church Bill.

LORDS AMENDMENTS

TO

COMMONS AMENDMENTS TO LORDS AMENDMENTS,

AND

REASONS ASSIGNED BY THE LORDS FOR INSISTING ON CERTAIN
OF THEIR AMENDMENTS.

*The page and line refer to the Bill [196.] ordered by the Lords to be printed
July 16, showing the Amendments made by the Commons to the Amend-
ments made by the Lords.*

The Lords insist on their Amendment to the Preamble in page 1,
lines 8-14, for the following reason :

Because the words omitted are unnecessary, because they would
not answer the purposes for which the Commons propose that
they should be restored, since they would neither affect the
legal operation of the Bill nor bind future Parliaments ; and
because they would be inconvenient, as they might be taken
to imply that Parliament intended by them to declare its
approval of principles of public policy which it has had no
opportunity of considering.

The Lords propose to amend the Amendment made by the
Commons to their Amendment in page 6, line 38, by omitting the
words ("as herein-after mentioned") and inserting ("found by the
" commissioners on inquiry, as authorized by the fifteenth section
" of this Act, to be permanent curates")

The Lords propose to amend the Amendment made by the
Commons to their Amendment in page 7, line 40, by leaving out
("like deduction") and inserting ("deduction for curate's salary")
and by leaving out ("within a year") and inserting ("during five
" years next")

[Bill 231.]

The Lords insist on so much of their Amendment in clause 15, page 9, line 16, as inserts the words ("or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default"), for the following reason :

Because a curate is by this Bill able to commute his annuity without reference to the contingency of future illness, and to make his annuity depend on continuous good health would be inconsistent and would operate harshly.

The Lords propose to amend the Amendment made by the Commons to their Amendment in clause 16, page 10, line 26, by inserting after ("character") the words ("or of any office held during good behaviour, which the commissioners may think equal to a freehold office")

The Lords insist on their Amendment in page 11, lines 11 and 12, for the following reason :

Because it is consequential on the altered form of the preceding clause.

The Lords propose to amend the Amendments made by the Commons to their Amendment in clause 23, page 5, line 23, by inserting at the end of the words restored ("Provided that the value of the life interest in any ecclesiastical property of the said church shall include the benefit (if any) derived from fines paid on the renewal of leases, on an average of fourteen years preceeding the first of January one thousand eight hundred and sixty-nine"), and in the words added at the end of the said Amendment, by leaving out in page 16, line 24 ("four fifths") and inserting ("three fourths"), and by leaving out in lines 28, 29, ("the Commissioners shall thereupon"), and by leaving out in line 30 ("seven") and inserting ("twelve")

The Lords do not insist on their Amendment in clause 27, page 13, line 33, to which the Commons disagree, but propose to amend the words restored, by inserting in page 21, line 3, after ("such") the words ("valuation and"), and in line 5, by leaving out ("to the commissioners"), and in line 7, by leaving out ("to be made") and inserting ("such valuation and also the payment"), and in line 8, by inserting after ("commissioners") the words ("to be made")

The Lords propose to amend the Amendment made by the Commons to clause C., page 24, line 13, by leaving out the words

inserted by the Commons and inserting (" but such payment shall
" be without prejudice to any claim in respect of any particular
" private endowment which may, within twelve months after such
" payment, be substantiated against the said sum ")

The Lords insist on their Amendment in clause 47, page 35, line 22, to which the Commons disagree, for the following reason :

Because it is just that all ecclesiastical persons under similar circumstances should be similarly treated.

The Lords propose, as a consequential Amendment, to amend clause D., page 43, line 3, by adding at the end thereof the following words (" but in such case the building charges, if any, to which he
" shall be entitled shall not become payable under section 24 of
" this Act, but payable at the termination of his life interest under
" section 51 ")

The Lords do not insist on their Amendments in clause 68, page 43, to which the Commons disagree, but propose to leave out the said clause, and insert the following clause in lieu thereof.

Clause (E.) And whereas it is further expedient that the proceeds of the said property should be appropriated mainly to the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor : Be it further enacted, that the said proceeds shall be so applied accordingly in the manner Parliament shall hereafter direct.

With the preceding exceptions the Lords do not insist on their Amendments to which the Commons disagree, and agree to the Amendments made by the Commons to their Lordships Amendments, and to the consequential Amendments made by the Commons to the Bill.

LORDS AMENDMENTS

TO

COMMONS AMENDMENTS TO LORDS AMENDMENTS,

AND

REASONS ASSIGNED BY THE LORDS FOR INSIST-
ING ON CERTAIN OF THEIR AMENDMENTS.

3

*Ordered, by The House of Commons, to be Printed,
22 July 1869.*

[Bill 231.]

Under 1 oz.

Irish Church Bill.

COMMONS AMENDMENTS TO THE LORDS AMENDMENTS,

AND

THE REASONS FOR DISAGREEING TO SEVERAL OF THE LORDS' AMENDMENTS.

The page and line refer to the Bill (109.) as first printed for the Lords.

The Commons disagree to the Amendment made by the Lords in Preamble, page 1, line 8, for the following reason :

Because it is right that the surplus property of the Dis-established Church in Ireland should be applied for the advantage of the Irish people, and not for the purpose of re-endowing or endowing any Church in that country, and because it is proper for the final settlement of the question that the destination of the surplus should in principle be fixed and determined by the Act.

The Commons disagree to the Amendment in clause 2, page 1, line 26, for the following reason :

Because it is expedient that the date of the operation of the Act should not be unreasonably deferred, and because, in the interest of the Established Church itself, it is better that the date 1st January 1871 in this clause and throughout the Act should be retained.

The Commons agree to the Amendments as far as page 4, line 26, and they disagree to the Amendment in line 26, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 5, line 10, and they disagree to the Amendment in page 5, line 10, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 5, line 24.
[Bill 232.] A

The Commons propose to amend the Amendment in page 5, line 24, by leaving out in line 1 of the Amendment the words ("employed under obligation of law") and inserting ("as herein-after mentioned"), and by leaving out the words ("or the tax on clerical incomes now payable to the Ecclesiastical Commissioners for Ireland, or payment for visitation fees, or for the maintenance of registries and ecclesiastical courts")

The Commons disagree to the Amendment in page 5, line 28, for the reason given to clause 2.

The Commons propose to amend the Amendment in page 5, line 39, by leaving out the words ("and it is hereby declared, that every holder of any such archbishopric, bishopric, benefice, or cathedral preferment heretofore liable to the payment to the Ecclesiastical Commissioners of such tax on clerical incomes shall be bound to pay an equivalent annual sum to the representative body of the said Church herein-after mentioned, so long as such holder shall continue to receive the annual income of his see, benefice, or preferment without having commuted the same") and inserting ("Provided that no deduction shall in the case of any incumbency be made in respect of a curate's salary under this section unless a like deduction has been made in the case of the same incumbency by the Ecclesiastical Commissioners for Ireland within a year preceding the first day of January 1869, and")

The Commons agree to the Amendment in page 6, line 12, and propose as a consequential Amendment to amend the Bill in line 12, by inserting after the word ("ceases") ("otherwise than by commutation under this Act")

The Commons disagree to Clause A. for the following reason :

Because the provisions of this Clause are for the internal arrangement of the Church, and not proper to be introduced into this Act.

The Commons propose to amend the Amendment in Clause 15, page 6, line 19, by leaving out the word ("May") and inserting ("January"), and by leaving out the words ("or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default"); and by leaving out in lines 17, 20, and 22 ("May") and inserting ("January"); and by adding at the end of

the Amendment ("Provided that where the salary of a curate has
" been deducted under section 14 from the income of any incum-
" bent, such curate shall be deemed to be a permanent curate
" within the meaning of this section, and no commutation of his
" salary and no change in his duties, for the purposes of this Act,
" shall be made without the consent of the incumbent from whose
" income the salary of such curate has been deducted")

The Commons disagree to the Amendment in line 35, for the reason given to clause 2.

The Commons propose to amend the Amendment in clause 16, page 7, lines 20 and 21, by leaving out ("of an office held during
" good behaviour of") and inserting after ("of") ("a freehold
" office of a similar character connected with")

The Commons disagree to the Amendment in clause 16, page 7, line 24, for the reason given to clause 2.

The Commons agree to the Amendments as far as line 32, and propose to amend the Amendment in line 32, by leaving out in lines 2 and 3 of the Amendment ("May"), and inserting ("January"), and by adding at the end of the Amendment ("Provided that no
" commutation shall be made of the salary of an annuitant, being a
" sexton, clerk, or other officer as aforesaid, without the consent of
" the ecclesiastical person under whom such sexton, clerk, or officer
" may be serving at the time of the application being made for
" commutation")

The Commons disagree to the Amendment in page 7, lines 33 and 34.

The Commons agree to the Amendment in page 7, line 35.

The Commons disagree to the Amendment in line 36, for the reason given to clause 2.

The Commons agree to the Amendment in page 8, line 20.

The Commons propose to amend the Amendment in page 8, line 27, by leaving out in line 2 of the Amendment ("of the said
" Church and")

The Commons agree to the omission of clause 20, and propose to amend clause B. by leaving out in line 4 of the clause ("May") and inserting ("January"); by inserting after ("Ireland") in line 23 ("being an annuitant or person entitled to compensation under

“ this Act ”); by leaving out in line 24 (“ six months ”) and inserting (“ one month ”); by inserting after (“ signify ”) (“ in writing “ to the church body hereafter mentioned ”); by leaving out in line 25 (“ nor shall such dissent operate ”) and inserting (“ so as ”)

The Commons disagree to the Amendment in line 40, for the reason given to clause 2.

The Commons disagree to the first Amendment in clause 21, page 8, line 41.

The Commons disagree to the Amendment in clause 21, page 9, line 6, for the reason given to clause 2.

The Commons agree to the Amendment in clause 22, page 9, line 18.

The Commons propose to amend the Amendment in clause 23, page 9, line 27, by restoring the words struck out, and by leaving out of the line 1 of the words added (“ it shall be lawful for such representative body ”), and inserting (“ and the commissioners shall ”); by leaving out in lines 2, 3 (“ May ”) and inserting (“ January ”); by leaving out in line 4 (“ seventy-two ”) and inserting (“ seventy-three ”); and by leaving out from (“ afterwards ”) to (“ commissioners ”), and adding (“ if it appears to them as respects any diocese “ or united dioceses in Ireland, as the case may be, or as respects any “ Protestant non-conforming body or communion that not less than “ four-fifths of the whole number of ecclesiastical persons in such “ diocese or united dioceses, or of the whole number of the ministers “ of such body or communion authorized to commute under this “ Act, have commuted or agreed to commute their life interests, “ the commissioners shall thereupon pay in addition to the monies “ otherwise payable by them a sum equal to seven pounds in the “ hundred on the commutation money payable in respect of each “ life interest; such addition to be disposed of in the same manner “ as the commutation money in respect of which it is added ”)

Because commutation should be based on the vested rights of the ecclesiastical persons entitled to commute, which are satisfied to the fullest extent by the additional provision now introduced for the benefit of all such persons, and of ministers who will be entitled to commute under this Act, and because the original clause, as altered, would be hardly capable of being worked out, and if it was, would give to ecclesiastical persons an undue advantage.

The Commons agree to the Amendments as far as page 11, line 14.

The Commons disagree to the Amendment in page 11, line 14, for the reason given to clause 2.

The Commons agree to the Amendment in page 11, line 38.

The Commons disagree to the Amendment in page 12, line 9, but propose to amend the words restored by leaving out ("public") and inserting ("carriage")

The Commons agree to the Amendments as far as page 13, line 33.

The Commons disagree to the Amendment in clause 27, page 13, line 33, for the following reason :

Because it is right, having regard to the principle of the Act, that the moderate sum required by the original clause should be paid for the ecclesiastical residences mentioned therein, and that no provisions should be made out of the funds resulting from the surplus of the property of the Disestablished Church for additional ecclesiastical residences for the clergymen thereof, nor for the ecclesiastical residences of the clergymen of any other Church or Religious Communion in Ireland.

The Commons agree to the Amendments as far as page 16, line 13.

The Commons propose to amend Clause C. by leaving out in line 9 ("May") and inserting ("January"); and by leaving out in line 11 after ("sterling") ("when any real property becoming vested in " the commissioners consists of lands which have been appropriated " or granted as the glebe or glebe land of any benefice, by or in " pursuance of any royal grant or letters patent since the second " year of the reign of Queen Elizabeth, the commissioners shall, on " the application of the said representative body, made within six " months after the first day of May one thousand eight hundred " and seventy-one, by order vest such property in such representative " body, subject to any life interest subsisting therein") and inserting ("but the said sum and the income thereof shall remain in the " hands of the said body answerable to the trusts of every such " private endowment so far as the circumstances of each particular " case will permit") for the following reason :—

Because, so far as this paragraph extends, it would virtually re-endow the Church now proposed to be disestablished, which it is neither expedient nor right to do.

The Commons disagree to the Amendments in clauses 32 and 33, page 17, lines 4 and 16, for the reason given to clause 2,

The Commons disagree to the Amendment in clause 33, page 17, line 18, for the following reason :

Because the terms for the immediate purchase of the tithe rentcharge as laid down in this clause, namely, $22\frac{1}{2}$ years' purchase of the gross tithe rentcharge, are fair and equitable.

The Commons disagree to the Amendment in clause 35, page 18, line 8, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 21, line 15.

The Commons disagree to the Amendment in page 21, line 15, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 23, line 6.

The Commons propose to amend the Amendment in clause 43, page 23, line 6, by leaving out (" or where the said representative body feel ") and inserting (" is ")

The Commons disagree to the Amendments in clause 43, page 23, lines 8 and 12.

The Commons agree to the Amendment in clause 43, page 23, line 14.

The Commons disagree to the Amendment in page 24, line 16, for the reason given to clause 2.

The Commons propose to amend the Amendment in clause 46, line 23, by leaving out (" May ") and inserting (" January "), for the reason given to clause 2.

The Commons disagree to the Amendment in clause 47, page 24, line 38.

The Commons agree to the Amendment in clause 47, page 24, line 40.

The Commons disagree to the Amendment in clause 48, page 25, line 5, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 25, line 20.

The Commons disagree to the Amendment in page 25, line 20, for the reason given to clause 2.

The Commons propose to amend the Amendment in clause 50, page 25, line 27, by adding ("or such as in the opinion of the commissioners they may since that date in due and ordinary course of business have engaged or agreed to expend for such purpose")

The Commons disagree to the Amendment in clause 50, page 25, line 29, for the reason given to clause 2.

The Commons agree to the Amendments in clause 52, page 26, line 13.

The Commons disagree to the Amendment in clause 67, page 30, line 9, for the reason given to clause 2.

The Commons agree to the Amendments as far as page 30, line 40.

The Commons propose to amend the Amendment in clause 67, page 30, line 40, by inserting in line 3, after ("pay"), ("any ad valorem duty or tax to the Crown or")

The Commons agree to the Amendment in clause 67, page 30, line 42.

The Commons propose to amend the Amendment in clause 67, page 31, line 5, by leaving out in line 12 ("employed under obligation of law") and inserting ("whose salary is deducted under this Act"); and by adding at the end ("from whose income such salary has been deducted")

The Commons disagree to the Amendment in clause 67, page 31, line 9, for the reason given to clause 2.

The Commons agree to clause D.

The Commons disagree to the Amendments in page 31, lines 17, 18, and propose to amend the Amendment in line 19, clause 68, by restoring the words struck out as far as ("asylums") in line 29, and by inserting after ("Act") in line 26 ("the income of"); by restoring the words struck out after ("thereof") in line 31 to ("aforesaid") in page 32, line 8, and inserting ("and if the income of"); by leaving out of the words added ("then"), and inserting ("to be"); by leaving out ("subject to all subsisting charges thereon, whether charges existing previously to the passing of this Act or created"); by leaving out ("in such manner as Parliament shall hereafter direct") and adding ("by

“ Order in Council, before Parliament has legislated further in
 “ respect thereto, every Order in Council so appropriating the
 “ income of such property shall be laid before both Houses of Par-
 “ liament within fourteen days after the making thereof, if Parlia-
 “ ment is then sitting, or if Parliament be not sitting, then within
 “ fourteen days after the commencement of their next session; and
 “ such order shall not be of any validity until the expiration of
 “ forty days after the same has been so laid before both Houses of
 “ Parliament, nor shall it be of any validity at all if within such
 “ period of forty days an address be presented to Her Majesty by
 “ both Houses of Parliament praying Her Majesty to revoke such
 “ order”) for the following reason:—

Because it is proper for the final settlement of the question
 that the destination of the surplus should by this Act be fixed and
 determined; and because the provisions now introduced control
 and prevent any misapplication or undue application which may
 possibly be directed by any Order in Council.

The Commons agree to the Amendment in clause 72, page 33,
 line 26.

COMMONS AMENDMENTS TO THE LORDS
 AMENDMENTS

AND THE

REASONS

FOR DISAGREEING TO SEVERAL OF THE LORDS'
 AMENDMENTS.

(*Mr. Walpole.*)

Ordered, by The House of Commons, to be Printed,
22 July 1869.

[Bill 232.]

Under 1 oz.

Jamaica Loans Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Agreements for redemption and conversion of loan.
3. Application of sinking fund to purchase of debentures.
4. Guarantee by Treasury of securities for conversion, &c.
5. Alteration of Act relating to guaranteed loan.
6. Issue out of Consolidated Fund.
7. Certificate of amount paid out of Consolidated Fund.
8. Accounts to be laid before Parliament.
9. Saving of rights of holders of debentures.
10. Repeal of Acts.

SCHEDULE.

A
B I L L

TO

Provide for the better Liquidation of certain Loans raised under the guarantee of Her Majesty for the service of the colony of Jamaica. A.D. 1869.

WHEREAS in pursuance of the provisions of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter one hundred and thirty, “for guaranteeing the interest on such loans, not exceeding five hundred thousand
5 “ pounds, as may be raised by the British colonies on the continent
“ of South America, the West Indies, and the Mauritius, for
“ certain purposes,” Her Majesty guaranteed the payment of the interest of a loan of one hundred thousand pounds, raised by the colony of Jamaica for the purpose of promoting the introduction of
10 free labourers :

And whereas such loan was raised by debentures bearing interest at four per cent., and redeemable as to one moiety on the thirtieth of June one thousand eight hundred and seventy-two, and as to the other moiety on the first of January one thousand eight hun-
15 dred and eighty-one :

And whereas the repayment of such loan was provided for by a sinking fund, and a considerable sum is now standing to the account of such sinking fund, and is invested in three per cent. reduced annuities :

20 And whereas by the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter fifty-four, “to guarantee the liquidation of a loan or loans
“ for the service of the colony of Jamaica,” the payment of the principal and interest of a loan of five hundred thousand pounds
25 raised by the colony of Jamaica for the redemption of certain debts then owing by the said colony was guaranteed :

[Bill 200.]

A 2

A.D. 1869. And whereas the said sum of five hundred thousand pounds was raised by debentures bearing interest at four per cent. and redeemable on the first of June one thousand eight hundred and eighty-five :

And whereas the redemption of such debentures was provided for by a sinking fund, and a considerable sum is now standing to the account of such sinking fund, and is invested in three per cent. Consolidated Bank Annuities :

And whereas it is expedient to authorize both the application of the sum standing to such sinking funds to the immediate redemption of the said loans, and also the extension of the time for the redemption of the remainder of the said loans :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Jamaica Loans Act, 1869."

Agreements for redemption and conversion of loan.

2. The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may, on behalf of the government of Jamaica, enter into arrangements with the holders of the debentures issued for the purpose of raising the said loans of one hundred thousand pounds and five hundred thousand pounds respectively, for the purchase of such debentures, and for the conversion of such debentures into other debentures or securities at such price and on such terms and conditions as the Treasury may approve.

Application of sinking fund to purchase of debentures.

3. Where any such arrangement has been made for the purchase of any of the said debentures, the stock for the time being standing to the account of the said sinking funds, or either of them, or the proceeds of the sale of that stock, may be applied for the purpose of such purchase, and the stock may be transferred and sold accordingly, as if the two funds were one sinking fund applicable to the redemption of both the said loans.

Guarantee by Treasury of securities for conversion, &c.

4. Where any securities (whether bonds, debentures, or other,) are issued for the purpose either of raising money for the purchase of the said debentures, or of the conversion of the said debentures, the Treasury may in such manner as they think fit guarantee the payment of the principal and interest of such securities, provided that the Treasury shall not give such guarantee unless,—

(1.) The securities are of such description, in such form, and for such amount, and bearing such rate of interest, not exceed-

ing four per cent., and redeemable at such period or periods, not exceeding thirty years from the date of issue, as the Treasury may approve: A.D. 1869.

5 (2.) Provision is made to the satisfaction of the Treasury for a sinking fund at such rate as the Treasury think sufficient to pay off all such securities at the period at which they are redeemable; such fund to be invested or applied as the Treasury may from time to time direct: and,

10 (3.) An Act is passed by the legislature of Jamaica for charging, to the satisfaction of the Treasury, the revenues of Jamaica with the payment of the principal and interest of such securities, and of the sinking fund, and of all sums which may be paid by the Treasury, in order to fulfil the guarantee, with interest on such last-mentioned
15 sums after the rate of five per cent. from the time of payment, and further, if the Treasury think fit, for appropriating certain portions of the revenue to meet such payments.

20 5. Every Act passed by the legislature of Jamaica, which in any way affects the charge created in accordance with this Act upon the revenues of Jamaica, or affects the portions of the revenue, if any, appropriated to meet such charge, shall be invalid unless it contain a suspending clause providing that such Act shall not come into operation until Her Majesty's pleasure thereon has been publicly
25 signified in Jamaica.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the Consolidated Fund, or the growing produce thereof, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of
30 principal or interest.

7. The Treasury may, from time to time, certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be
35 communicated to the Governor of Jamaica, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament an account of all sums issued out of the Consolidated Fund for the purposes of this Act, within one
40 [200.]

A.D. 1869. month after the same are so issued, if Parliament be then sitting, or, if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

Saving of
rights of
holders of
debentures.

9. If the holders of any of the said debentures do not agree with the Treasury acting on behalf of the government of Jamaica 5 for the purchase or conversion of such debentures, such holders shall have the same rights and the same charge and guarantee as they would have had if this Act had not passed, and such amount of sinking fund as will be sufficient to redeem such debentures at the period at which they are redeemable shall be provided by the 10 government of Jamaica as if this Act had not passed.

Repeal of
Acts.

10. The Acts specified in the schedule to this Act are hereby repealed to the extent therein mentioned, except so far as relates to any debentures which have been issued under the said Acts.

SCHEDULE.

15

	Title of Act.	Extent of Repeal.	
11 & 12 Vict. chapter 130.	An Act for guaranteeing the interest on such loans, not exceeding £500,000, as may be raised by the British Colonies on the continent of South America, in the West Indies, and the Mauritius, for certain purposes.	So far as regards Jamaica.	20
17 & 18 Vict. chapter 54.	An Act to guarantee the liquidation of a loan or loans for the service of the colony of Jamaica.	The whole Act.	25

Jamaica Loans.

A

B I L L

To provide for the better Liquidation
of certain Loans raised under the
guarantee of Her Majesty for the
service of the colony of Jamaica.

*(Prepared and brought in by
Mr. Stansfeld
and Mr. Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
7 July 1869.*

[Bill 200.]

Under 1 oz.

A

B I L L

TO

Facilitate compromises and arrangements between creditors and shareholders of Joint Stock Companies in Liquidation. A.D. 869.

WHEREAS it is expedient to amend the law relating to the Liquidation of Joint Stock Companies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Joint Stock Companies Arrangement Act, 1869." Short title.

2. Where any compromise or arrangement shall be proposed between a Joint Stock Company in Liquidation and its creditors, or any class of creditors, or between the shareholders, or any different class of shareholders, it shall be lawful for the Court of Chancery to order that a meeting of such creditors, or class of creditors, shareholders, or class of shareholders, be summoned in such manner as the court shall direct, and, if a majority in number representing *three-fourths* in value of such creditors or class of creditors, shareholders or class of shareholders, present, either in person or by proxy, at such meeting shall agree to a proposed arrangement or compromise, it shall, if duly confirmed by the order of the court, be binding on all such creditors, class of creditors, shareholders, or class of shareholders.

Where compromise proposed Court of Chancery may order a meeting of creditors, &c. to decide as to such compromise.

3. The Lord Chancellor may from time to time make, and may from time to time revoke, general rules for the effectual execution of this Act and the objects thereof.

Lord Chancellor may make rules for execution of Act.

Joint Stock Companies Arrangement.

A

B I L L

To facilitate compromises and arrangements between creditors and shareholders of Joint Stock Companies in Liquidation.

(*Prepared and brought in by
Mr. Henry B. Sheridan and Mr. Sergeant Simon.*)

*Ordered, by The House of Commons, to be Printed,
31 May 1869.*

[Bill 140.]

Under 1 oz.

A

B I L L

TO

Provide for the Collection of Judicial Statistics in Scotland. A.D. 1869.

WHEREAS it is expedient to make provision for the collection of the Judicial Statistics of Scotland, and for laying the same before Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Judicial Statistics (Scotland) Act, 1869." Short Title.

2. The following persons, viz.,—first, the clerks of the several courts of law, and of all courts administering civil or criminal justice, and second, keepers of records and other persons receiving remuneration for performing public duties in the civil service of Her Majesty, shall and are hereby required to fill up and transmit to the department for the collection of Judicial Statistics, before the end of the month of March in each year, such schedules relative to the business transacted in their respective offices during the preceding year as, subject to the following conditions and regulations, they shall from time to time receive from the superintendent of the said department. Schedules to be returned by clerks of court and other public officers.

3. Each such schedule shall be in a form which has been certified under the signature of Her Majesty's Advocate for Scotland as having been approved of by him, and each such form, with his signature attached thereto, shall be preserved in the chambers of the department for the collection of Judicial Statistics, where the same shall be patent to any clerk or other person who is bound to make a return under such form. Forms of schedules to be certified.

4. In case any person shall fail to fill up and return such schedule, or shall fail or neglect to do what is herein required of such person, or in case any obstruction shall arise in the execution of

[Bill 142.]

Provision for enforcement.

A.D. 1869. — this Act, it shall be lawful for Her Majesty's Advocate for Scotland to apply by summary petition to the Court of Session; and in case any person shall consider himself aggrieved by any thing that he is required to do under the provisions of this Act, it shall be lawful for him to apply by summary petition to the Court of Session; and in either case the court shall deal therewith according to the practice as to summary petitions, and shall do therein as may seem just and necessary for the execution of the purposes of this Act. 5

Period for rendering police reports under 20 & 21 Vict. c. 72. s. 64. altered.

5. The report on the particulars of the state of crime made by the sheriffs of counties and magistrates of burghs, in terms of an Act of the twentieth and twenty-first year of Her Majesty's reign, entitled 'An Act to render more effectual the police in counties "and burghs in Scotland," shall, after such reports have been rendered for the year ending in September one thousand eight hundred and sixty-nine, cease to apply to the year ending in September, and shall thereafter apply to the year ending on the last day of December; and such reports for the year ending in December one thousand eight hundred and sixty-nine shall be transmitted to Her Majesty's Principal Secretary of State for the Home Department before the last day of March in the year one thousand eight hundred and seventy; and thereafter such reports for each year shall be so transmitted before the last day of March in the ensuing year. 10 15 20

Provision for Court of Session reports under 31 & 32 Vict. c. 100. s. 104. repealed.

6. Section 104 of the "Court of Session Act, 1868," which enacts that the clerks and other officers of the Court of Session shall make certain returns to Her Majesty's Advocate for Scotland, is hereby repealed. 25

Judicial Statistics (Scotland).

A

B I L L

To provide for the Collection of Judicial
Statistics in Scotland.

*(Prepared and brought in by
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Solicitor-General for Scotland.)*

*Ordered, by The House of Commons, to be Printed,
3 June 1869.*

[Bill 142.]

Under 1 oz.

A

B I L L

TO

Amend the Lands Clauses Consolidation Act so far as relates A.D. 1869.
to the settlement of the costs of arbitrations.

WHEREAS it is expedient that the provisions contained in
“The Lands Clauses Consolidation Act, 1845,” so far as the
same relate to the settlement of the costs of and incident to any
arbitration thereunder should be amended :

5 Be it therefore enacted and declared by the Queen’s most Ex-
cellent Majesty, by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the authority of the same, as follows :

1. Where in England, under “The Lands Clauses Consolidation
10 Act, 1845,” or any Act incorporating the same, any question of
disputed compensation is determined by arbitration, the costs of
and incidental to the arbitration and award shall, if either party
so requires, be settled as between the parties by one of the masters
of the Court of Queen’s Bench.

Costs of
arbitrations,
where either
party so re-
quires, to be
settled by a
master of
the Court
of Queen’s
Bench.

Lands Clauses Consolidation Act Amendment.

A

B I L L

To amend the Lands Clauses Consolidation Act so far as relates to the settlement of the costs of arbitrations.

(Prepared and brought in by
*Mr. Bazley, Mr. Jacob Bright, Mr. Graves,
Mr. Baines, Mr. Dixon, and Mr. Hibbert.*)

*Ordered, by The House of Commons, to be Printed,
3 March 1869.*

[Bill 34.]

Under 1 oz.

A

B I L L

[WITH THE AMENDMENTS MADE BY THE LORDS]

INTITULED

An Act to amend the Lands Clauses Consolidation Act ~~so far as~~ A.D. 1869.
~~relates to the settlement of the costs of arbitrations.~~

[Note.—*The Words in Italics and Clauses A., B., and C. were inserted by the Lords, and the Words struck through were omitted by the Lords.*]

WHEREAS it is expedient that the provisions contained in “The Lands Clauses Consolidation Act, 1845,” so far as the same relate to the settlement of the costs of and incident to any arbitration thereunder, should be amended :

5 Be it therefore enacted and declared by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Where in England, under “The Lands Clauses Consolidation Act, 1845,” or any Act incorporating the same, any question of disputed compensation is determined by arbitration, the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by *any* one of the *taxing* masters of the ~~Court of Queen’s Bench~~ *Superior Courts* *of Law or Equity.*

Costs of arbitrations, where either party so requires, to be settled by a master of the Court of Queen’s Bench.

Section thirty-three of the Regulation of Railways Act, 1868, is hereby repealed, and any proceedings commenced in pursuance of that section may be continued under this Act as if they had been commenced under it.

CLAUSE A.
 Repeal of
 31 & 32 Vict.
 c. 119. s. 33.

Where any lands by the special Act authorized to be taken are situate within the city and liberty of Westminster, then, with respect to those lands, in every case in which any question of disputed compensation is required by the Lands Clauses Consolidation Act, 1845, or any Act amending the same, to be deter-

CLAUSE B.
 Provision respecting lands in Westminster.

[Bill 120.]

Inserted by the Lords.

A.D. 1869. mined by the verdict of a jury, the high bailiff of the city and liberty of Westminster, or his deputy, shall be deemed to be substituted for the sheriff throughout such of the enactments of the Lands Clauses Consolidation Act, 1845, and any Act amending the same as relate to the reference to a jury.

See *Lands Clauses Act*, s. 39.

See same Act, s. 40.

CLAUSE C.
Short title.

This Act may be cited as “The Lands Clauses Consolidation Act, 1869,” and shall be construed as one with the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and these Acts and this Act may be cited together as the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Inserted by the Lords.

Lands Clauses Consoli- dation Act Amendment.

A

B I L L

[WITH THE AMENDMENTS MADE BY THE
LORDS]

INTITULÉD

An Act to amend the Lands Clauses
Consolidation Act ~~so far as relates to the~~
~~settlement of the costs of arbitrations.~~

Ordered, by The House of Commons, to be Printed,
12 May 1869.

[Bill 120.]

Under 1 oz.

A

B I L L

TO

Appoint additional Commissioners for executing the Acts for A.D. 1869.
granting a Land Tax and other rates and taxes.

- WHEREAS an Act was passed in the seventh and eighth years
of the reign of His Majesty King George the Fourth, intituled
“ An Act to appoint Commissioners for carrying into execution
“ several Acts granting an aid to His Majesty by a Land Tax to be
5 “ raised in Great Britain, and continuing to His Majesty certain
“ duties on personal estates, offices, and pensions in England :”
And whereas several Acts have since been passed appointing
additional Commissioners for carrying those Acts into execution :
And whereas it is expedient to appoint additional persons to put
10 in execution the several Acts for granting an aid to Her Majesty by
a Land Tax in Great Britain, and several other Acts for continuing
or granting to Her Majesty rates and taxes :
Be it therefore enacted by the Queen’s most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
15 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :
1. The several and respective persons herein-after named shall
and may and are hereby empowered and authorized (being duly
qualified) to put in execution the said Acts, and all the clauses,
20 powers, matters, and things whatsoever therein contained, as com-
missioners in and for the several and respective counties, shires, and
places in England and Wales herein-after severally and respectively
mentioned and expressed, as fully and effectually as if they had been
named with the other commissioners in the said recited Act passed
25 in the seventh and eighth years of the reign of His Majesty King
George the Fourth ; (that is to say,) Appoint-
ment of
additional
Commis-
sioners.

Land Tax Commissioners Names.

A

B I L L

To appoint additional Commissioners for
executing the Acts for granting a
Land Tax and other rates and taxes.

(Prepared and brought in by
Mr. Aytton and Mr. Chancellor of the
Exchequer.)

Ordered, by The House of Commons, to be Printed,
16 March 1869.

[Bill 54.]

Under 1 oz.

A
B I L L

TO

Amend the Law relating to Land Tax, and to repeal certain Duties on Offices and Pensions. A.D. 1869.

WHEREAS by an Act passed in the thirty-eighth year of the reign of King George the Third, chapter five, a land tax to be raised in Great Britain was granted for the service of the year one thousand seven hundred and ninety-eight, and certain persons were appointed to be commissioners for putting the Act in execution within the several counties, ridings, shires, cities, boroughs, cinque ports, towns, and places therein mentioned, and by another Act passed in the same year the several sums of money charged by virtue of the first-recited Act on the said counties, ridings, shires, cities, boroughs, cinque ports, towns, and places in respect of lands and hereditaments lying within the same respectively for one year from the twenty-fifth day of March one thousand seven hundred and ninety-eight were continued and made payable yearly to His Majesty, his heirs and successors, from the twenty-fifth day of March in every year for ever, subject to the powers and provisions therein mentioned or referred to as contained in the first-recited Act :

And whereas certain Acts relating to land tax are spent or obsolete, and certain other Acts from time to time passed for the purpose of naming and appointing commissioners for executing the said recited Acts encumber the statute book, and it is expedient to make provision for the purpose of repealing the same :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Land Tax Act, 1869."

2. The several Acts specified in the schedule marked (A.) to this Act are hereby repealed on the passing of this Act, and the several

Short title.

Repeal of Acts in schedules.

[Bill 188.]

A

A.D. 1869.

Acts specified in the schedule marked (B.) to this Act shall be and are hereby repealed on the first day of January one thousand eight hundred and seventy.

Justices of the peace to be commissioners.

3. On and after the *first day of January one thousand eight hundred and seventy* all persons who act as justices of the peace 5 for any county, riding, shire, city, borough, cinque port, town, or place shall be Land Tax Commissioners within such county, riding, shire, city, borough, cinque port, town, or place.

Persons named in any Act and willing to continue to be commissioners.

4. All persons heretofore named in any Act appointing Land Tax Commissioners, who shall on or before the *first day of 10 December one thousand eight hundred and sixty-nine* signify in writing to the Commissioners of Her Majesty's Treasury their desire to continue to act as Land Tax Commissioners, shall on and after the *first day of January one thousand eight hundred and seventy* be Land Tax Commissioners within the county, riding, shire, city, 15 borough, cinque port, town, or place for which they were by such Act respectively appointed commissioners.

Treasury to appoint persons to be commissioners on nomination of commissioners for the time being.

5. The Commissioners of Her Majesty's Treasury shall from time to time as occasion may require appoint persons to be Land Tax Commissioners on the recommendation of the Land Tax 20 Commissioners for the county, riding, shire, city, borough, cinque port, town, or place for which such persons are to be appointed.

Acting commissioners to hold general meeting for nominating persons to be appointed as commissioners by the Treasury.

6. Whenever it shall be necessary to appoint persons to be Land Tax Commissioners for any county, riding, shire, city, borough, cinque port, town, or place, the Commissioners of Inland Revenue 25 shall, by notice inserted in the London Gazette or Edinburgh Gazette, as the case may require, convene a general meeting of the Land Tax Commissioners, for such county, riding, shire, city, borough, cinque port, town, or place, and at such meeting the Land Tax Commissioners or the majority of them present, shall 30 cause to be prepared a list containing the Christian names and surnames, residences, and occupations of such persons as they may deem fit to be appointed Land Tax Commissioners, and shall transmit the list to the Commissioners of Her Majesty's Treasury, with a recommendation signed by the majority of the Land Tax 35 Commissioners present at such meeting that the persons therein named be appointed Land Tax Commissioners.

Qualifications to be the same as required by recited Act of 38 G. 3. cc. 5. 48.

7. Justices of the peace hereby appointed commissioners, and such other persons as may be appointed commissioners under the authority of this Act, shall have such and the same qualifications 40 as are required by the said Act of the thirty-eighth year of the

reign of King George the Third, chapter five, and also by an Act of the same year, chapter forty-eight, and shall be subject to the same penalties and forfeitures as are contained in the said Acts respectively.

A.D. 1869.

5 **8.** Provided always, that any sheriff depute or sheriff substitute for the time being of any county in Scotland appointed to be a Land Tax Commissioner shall be capable of acting as a commissioner for such county, anything to the contrary in any Act notwithstanding.

Proviso as to sheriff's depute or substitute in Scotland.

10 **9.** All acts, matters, and things whatsoever, which by the Land Tax Acts are directed to be done by or before three or more Land Tax Commissioners, may be done by and before any two or more of such commissioners.

All matters which are directed by the Land Tax Acts to be executed by three or more commissioners may be executed by two or more of such commissioners.

15 **10.** The Land Tax Commissioners for any county, riding, or shire, at a general meeting required by the Land Tax Acts to be held for the purposes therein mentioned on or before the *thirtieth day of April* in any year, may, if they shall see fit (subject as herein provided,) transfer the jurisdiction of any parish, township, tything, hamlet, or place from the division of which the same
20 forms a part, together with the quota payable by the same at the time of such transfer, to any adjoining or other division of the same county, riding, or shire; and provided every such alteration shall be certified in writing, under the hands of the majority of the commissioners present at such general meeting, to the Commis-
25 sioners of Inland Revenue, and provided the same shall be approved of by the Commissioners of Inland Revenue, and such approval shall be certified to the commissioners of the respective divisions, together with the quota to be assessed and levied on the parish, township, tything, hamlet, or place transferred, under the hands of
30 the Commissioners of Inland Revenue or any two of them, then, but not otherwise, such alteration shall be of binding force and effect for all purposes whatsoever: Provided nevertheless, that nothing herein contained shall be construed to authorize the alteration of the limits of jurisdiction of any city, borough, cinque port,
35 town, or place for which a separate and distinct quota of land tax is provided in the Land Tax Acts.

Commissioners empowered to transfer jurisdictions from one division to another.

11. Whereas by two several Acts of the forty-ninth year of the reign of King George the Third, being respectively chapter thirty-two and one hundred and ten, certain duties of one shilling and sixpence
40 respectively were continued, granted, and made perpetual upon the annuities, pensions, stipends, and other payments, salaries, fees, wages, and perquisites in the said Acts respectively mentioned and

49 G. 3.
cc. 32. 110.

A.D. 1869.
6 & 7 G. 4.
c. 97.

Certain
duties on
offices, &c.
repealed
from 25th
March 1869.

set forth, and by another Act of the sixth and seventh years of the reign of King George the Fourth, chapter ninety-seven, certain other duties were continued, granted, and made perpetual, in respect of certain public offices or employments of profit, salaries, gratuitous bounty monies, rewards, fees, profits, perquisites, advantages, pen- 5 sions, annuities, stipends, or yearly payments, in the said last-mentioned Acts specified or described; and it is expedient that all the said duties should be repealed: Be it enacted, that all the said several duties by the said Acts respectively continued, granted, and made perpetual as aforesaid shall cease and determine, and the same 10 are hereby repealed as to any assessment, charge, or deduction thereof for any year commencing from or at any time after the *twenty-fifth day of March one thousand eight hundred and sixty-nine.*

SCHEDULE A.

ACTS SPENT, OR OBSOLETE, REPEALED ON THE PASSING OF
THIS ACT.

	Session and chapter.	Title.
5	11 Geo. 3. cap. 5. - -	An Act for granting an aid to His Majesty by a land tax for the service of the year 1771.
	12 Geo. 3. cap. 3. - -	The like, 1772.
	13 Geo. 3. cap. 8. - -	The like, 1773.
	14 Geo. 3. cap. 1. - -	The like, 1774.
10	15 Geo. 3. cap. 3. - -	The like, 1775.
	16 Geo. 3. cap. 4. - -	The like, 1776.
	17 Geo. 3. cap. 1. - -	The like, 1777.
	18 Geo. 3. cap. 2. - -	The like, 1778.
	19 Geo. 3. cap. 2. - -	The like, 1779.
15	20 Geo. 3. cap. 2. - -	The like, 1780.
	21 Geo. 3. cap. 3. - -	The like, 1781.
	22 Geo. 3. cap. 2. - -	The like, 1782.
	23 Geo. 3. cap. 3. - -	The like, 1783.
	24 Geo. 3. cap. 4. - -	The like, 1784.
20	25 Geo. 3. cap. 4. - -	The like, 1785.
	26 Geo. 3. cap. 3. - -	The like, 1786.
	27 Geo. 3. cap. 5. - -	The like, 1787.
	28 Geo. 3. cap. 2. - -	The like, 1788.
	29 Geo. 3. cap. 6. - -	The like, 1789.
25	30 Geo. 3. cap. 2. - -	The like, 1790.
	31 Geo. 3. cap. 6. - -	The like, 1791.
	32 Geo. 3. cap. 5. - -	The like, 1792.
	33 Geo. 3. cap. 7. - -	The like, 1793.
	34 Geo. 3. cap. 8. - -	The like, 1794.
30	35 Geo. 3. cap. 2. - -	The like, 1795.
	36 Geo. 3. cap. 2. - -	The like, 1796.
	37 Geo. 3. cap. 2. - -	The like, 1797.

SCHEDULE B.

ACTS REPEALED ON THE 1ST JANUARY 1870.

	Session and chapter.	Title.
35	25 Geo. 3. cap. 20. - -	An Act to appoint commissioners for executing the Land Tax Acts, &c.
	37 Geo. 3. cap. 5. - -	The like.
40	38 Geo. 3. cap. 26. - -	An Act for rectifying mistakes in names of persons appointed to execute the Land Tax Acts, and to appoint other commissioners.

A.D. 1869.

Session and chapter.	Title.	
39 & 40 Geo. 3. cap. 31. -	An Act for appointing commissioners, &c.	
45 Geo. 3. cap. 2. - -	An Act for continuing and granting duties on pensions and offices, &c.	
45 Geo. 3. cap. 48. - -	An Act for appointing commissioners, &c.	5
46 Geo. 3. cap. 127. - -	An Act for rectifying mistakes in names of commissioners, and for appointing other commissioners.	
48 Geo. 3. c. 102. - -	An Act for appointing commissioners, &c.	
49 Geo. 3. cap. 32. - -	An Act for continuing duties on offices, &c.	
49 Geo. 3. cap. 110. - -	An Act for rectifying a mistake in chapter 32.	10
49 Geo. 3. cap. 55. - -	An Act for rectifying mistakes in the names of commissioners, and for appointing other persons, &c.	
54 Geo. 3. cap. 190. - -	An Act for appointing commissioners, &c.	
55 Geo. 3. cap. 150. - -	An Act for rectifying mistakes in the names of the land commissioners.	15
59 Geo. 3. cap. 138. - -	An Act for appointing commissioners, &c.	
1 & 2 Geo. 4. cap. 122. -	An Act for appointing commissioners, &c.	
3 Geo. 4. cap. 14. - -	An Act for rectifying mistakes in names, &c.	
4 Geo. 4. cap. 68. - -	An Act for rectifying mistakes in names, &c.	
7 & 8 Geo. 4. cap. 75. -	An Act for appointing commissioners, &c.	20
9 Geo. 4. cap. 38. - -	An Act for rectifying mistakes in names, &c.	
2 & 3 Will. 4. cap. 127. -	An Act for appointing commissioners, &c.	
3 & 4 Will. 4. cap. 95. -	An Act for appointing commissioners.	
6 & 7 Will. 4. cap. 80. -	An Act for appointing commissioners.	
6 & 7 Will. 4. cap. 97. -	An Act for continuing and making perpetual duties on certain offices and pensions.	25
1 & 2 Vict. cap. 57. - -	An Act for appointing commissioners.	
7 & 8 Vict. cap. 79. - -	An Act for appointing commissioners.	
11 & 12 Vict. cap. 62. -	An Act for appointing commissioners.	
16 & 17 Vict. cap. 111. -	An Act for appointing commissioners.	30
20 & 21 Vict. cap. 46. -	An Act for appointing commissioners.	
26 & 27 Vict. cap. 101. -	An Act for appointing commissioners.	
29 & 30 Vict. cap. 69. -	An Act for appointing commissioners.	
30 & 31 Vict. cap. 51. -	An Act for appointing commissioners.	
32 & 33 Vict. cap. - -	An Act for appointing commissioners.	35

Land Tax Law Amendment, &c.

A

B I L L

To amend the Law relating to Land Tax, and to repeal certain Duties on Offices and Pensions.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Ayrton.)

*Ordered, by The House of Commons, to be Printed,
1 July 1869.*

[Bill 18.]

Under 1 oz.

Libel Bill.

ARRANGEMENT OF CLAUSES.

PART I.

As to Proceedings at Public Meetings.

Clauses.

1. No proprietor of newspaper shall be liable to an action or prosecution for a faithful report of the proceedings at a public meeting, and proof that it was such shall amount to a defence.
2. Unless he shall refuse to publish a fair reply to the libel complained of, such reply not itself involving libellous matter on any other person.
3. A speaker of defamatory matter not amounting to slander shall be liable in certain cases to be sued as if the same were printed or published.
4. The privilege of Parliament or other public bodies, or of any person, not to be affected.

PART II.

As to Proceedings in Parliament.

5. No civil or criminal proceeding shall be maintainable for the publication of a fair and true report of a debate in either House of Parliament.

PART III.

As to Actions for Libel.

6. In actions for libel the defendant may pay money into court in discharge of the action.
7. When the damages in an action of libel do not exceed five pounds the plaintiff shall get no more costs than damages, unless the judge shall certify.

PART IV.

As to Prosecutions for Libel.

8. To entitle a private prosecutor to send up an indictment for libel he must first go before a justice, and enter into a recognizance to prosecute and pay costs.

[Bill 17.]

A

Clauses.

9. In certain cases the defendant shall be discharged from such indictment, and shall get his costs.
10. The two previous sections not to apply to an indictment for a libel published to extort.
11. The defendant at the trial of an indictment or information for libel may be a witness, and so also may be the defendant's wife or husband.

PART V.

As to Pleadings in case of Libel.

12. The truth of a libel may be pleaded in a short form.
13. When so pleaded the plaintiff may get a bill of particulars of what is intended to be relied upon by the defendant.

PART VI.

General Provisions.

14. Meaning of the words "public newspaper."
 15. Act not to affect pending proceedings.
 16. Act not to extend to Scotland.
 17. Title of Act.
-

A

B I L L

TO

Amend the Law of Libel.

A.D. 1869.

WHEREAS it is expedient to amend the law of libel: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

As to Proceedings at Public Meetings.

1. In any action or prosecution for an alleged libel in any public newspaper, proof that the alleged libel was a true and fair report of the proceedings at a meeting lawfully assembled for a lawful purpose, open to reporters for the public newspapers, and at which a reporter was present for the purpose of reporting the proceedings of such meeting for a public newspaper, and that the report was published in such newspaper by the defendant *bonâ fide* without actual malice and in the ordinary course of business, shall, except in the case herein-after mentioned, amount to a defence, and such proof may in all cases be given by the defendant under the plea of not guilty "by statute."

No proprietor of newspaper shall be liable to an action or prosecution for a faithful report of the proceedings at a public meeting, and proof that it was such shall amount to a defence.

2. In reply to such defence, the plaintiff or prosecutor may prove that the defendant declined or omitted, when required so to do, to publish in his newspaper, and in a mode as conspicuous as that in which the said alleged libel was published, an explanation or contradiction of the alleged libel, of not unreasonable length, immediately after such contradiction or explanation shall have been furnished to the defendant by or on behalf of the plaintiff or prosecutor; and such proof shall amount to an answer to such defence, unless the defendant shall show that such explanation or contradiction contained libellous matter, and that the party tendering such explanation or contradiction refused to expunge such libellous matter on being requested so to do in writing by the defendant.

A refusal to publish a fair reply to the libel complained of, such reply not involving libellous matter on any other person, shall amount to an answer to such defence.

3. If any person shall at a meeting lawfully assembled for a lawful purpose, open to reporters for the public newspapers, and

A speaker of defamatory matter not

[Bill 17.]

A 2

A.D. 1869. amounting to slander shall be liable in certain cases to be sued as if the same were printed or published.

at which a reporter, to the knowledge of the speaker, shall be present for the purpose of reporting the proceedings of such meeting for a public newspaper, speak any defamatory matter injuriously affecting the character and circumstances of another, which shall afterwards be published in a public newspaper as 5 part of a true and fair report of the proceedings of such meeting, and such person shall, upon application in writing made to him by the person defamed, refuse or neglect forthwith to publish in the public newspaper in which the said defamatory matter was published, or in some public newspaper circulating in the part of 10 the country in which such meeting shall have been held as may be selected by the person defamed, an apology for having so spoken such defamatory matter, it shall be lawful for the person defamed to proceed by action for libel against the person who shall have so spoken such defamatory matter, and in such action the 15 proceedings shall be in all respects the same as if such defamatory matter had been written and published by the person who shall have so spoken the same.

The privilege of Parliament or other public bodies, or of any person, not to be affected.

4. Nothing herein contained shall be deemed or taken, held or construed, directly or indirectly, by interpretation or otherwise, to 20 affect the privilege of Parliament or of courts of justice, or of any other public body, or of any person, entitled to privilege, in any way whatever; and in any action for libel under this Act for words spoken the defendant shall have the same privilege that he would have had if the action were an action for slander. 25

PART II.

As to Proceedings in Parliament.

No civil or criminal proceeding shall be maintainable for the publication of a fair and true report of a debate in either House of Parliament.

5. No action or prosecution shall be maintainable for the publication of any defamatory matter in any newspaper, periodical, or other publication, if such defamatory matter shall form a 30 portion of a true and fair report of a debate in either House of Parliament.

PART III.

As to Actions for Libel.

In actions for libel the defendant may pay money into court in discharge of the action.

6. In actions for libel the defendant shall be at liberty to pay 35 into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect, and available in the same manner and to the same extent, and shall be subject to the same rules and regulations, as payment of money into court is now available and 40 subjected to in other personal actions.

7. In all actions for libel, where the jury shall give damages under *five pounds*, the plaintiff shall not be entitled to more costs than damages, unless the judge before whom such verdict shall be obtained shall immediately afterwards certify on the back of the record that the libel was wilful and malicious.

A.D. 1869.

As to costs when the damages in an action of libel do not exceed 5*l*.

PART IV.

As to Prosecutions for Libel.

8. It shall not be lawful for a private prosecutor to prefer an indictment for the publication of a defamatory libel against any person who shall not have been, previously to the said indictment being preferred, bound by recognizance or committed to custody to answer the charge stated in the said indictment; and no person shall be bound by recognizance or committed to custody to answer any indictment for a libel at the suit of a private prosecutor, by any justice or justices of the peace, unless such prosecutor shall enter into a recognizance before him or them, and which recognizance the said justice or justices is and are hereby empowered to take, with two solvent sureties, in such sum as to the said justice or justices shall seem fit, that he will prefer an indictment, and effectually prosecute the same, if it shall be thereafter found by a grand jury, and pay such costs, if any, as shall be awarded against him in such prosecution.

To entitle a private prosecutor to send up an indictment for libel he must first go before a justice, and enter into a recognizance to prosecute, &c.

9. In case any person against whom an indictment for a libel on a private prosecution shall be found shall appear and plead to the same, and the prosecutor of such indictment shall not within one whole year next after plea pleaded, or within such further time as may be granted by any court before which the indictment shall be pending or may come on for trial, procure the same to be tried, or if upon such trial the defendant shall be acquitted, or in case the prosecutor shall procure a nolle prosequi to be entered on such indictment, then in any of such cases the defendant shall be discharged from all further proceedings in respect of the alleged libel charged in such indictment, and shall be entitled to receive from such prosecutor the costs sustained by him by reason of said indictment, unless, in the case of an acquittal upon a trial, the judge before whom the indictment shall have been tried shall, immediately after the verdict thereon, certify on the back of the record that the prosecutor had reasonable cause for preferring such indictment; and for the recovery of his costs the defendant shall be entitled to the benefit of the recognizance entered into as aforesaid by the prosecutor, and shall have all the remedies incidental thereto that may be necessary to enforce the same.

In certain cases the defendant shall be discharged from such indictment, and shall get his costs.

A.D. 1869.

Two previous sections not to apply to an indictment for a libel published to extort.

Defendant at trial of indictment or information for libel may be a witness, and so also may be the defendant's wife or husband.

The truth of a libel may be pleaded in a short form.

When so pleaded the plaintiff may get a bill of particulars of what is intended to be relied upon by the defendant.

Meaning of the words "public newspaper."

Act not to affect pending proceedings.

Act not to extend to Scotland.

Title of Act.

10. Nothing in the last two sections contained shall apply to an indictment by a private prosecutor for the publication of any defamatory libel published with intent to extort any money or security for money or any valuable thing from such private prosecutor or any other person, or with intent to induce such private prosecutor or any other person to confer or procure for any person any appointment or office of profit or trust.

11. On the trial of any indictment or information for a defamatory libel the defendant shall be competent to give evidence on his or her behalf, and the husband or wife of such defendant shall also be competent to give evidence on behalf of the defendant.

PART V.

As to Pleadings in case of Libel.

12. In all cases, civil or criminal, where a defendant is or shall be allowed to plead the truth of the matters charged in the defamatory libel as a justification or defence, or part of a defence, it shall be sufficient for the defendant to plead that the said alleged libel is true in substance and matter of fact, either alone or with such other averments as is now or may hereafter be by law required to be added to constitute a defence to any proceedings, civil or criminal, and to this plea the plaintiff or prosecutor shall be at liberty to reply generally.

13. When a defendant shall plead the truth of the libel in the form allowed by this Act, a court or a judge may, if they or he shall so think fit, on the application of the plaintiff, order the defendant to give a bill of particulars of the facts, circumstances, or acts on which he intends to rely in proof of his plea, and on the trial the defendant shall not be at liberty to prove other facts, circumstances, or acts than those mentioned in his bill of particulars.

PART VI. 30

General Provisions.

14. The words "public newspaper" in this Act shall be construed to mean any newspaper duly registered at the stamp office in Westminster or Dublin, and none other.

15. Nothing herein contained shall affect any action or prosecution which shall have been commenced before and shall be actually pending at the time of the passing of this Act.

16. This Act shall not extend to Scotland.

17. For all purposes this Act may be cited as "The Libel Act, 1869."

Libel.

A

B I L L

To amend the Law of Libel.

(Prepared and brought in by
Mr. Baines, Mr. Candlish, and Mr. Morley.)

*Ordered, by The House of Commons, to be Printed,
23 February 1869.*

[Bill 17.]

Under 1 oz.

28

Libel Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PART I.

As to Proceedings at Public Meetings.

Clauses.

1. No proprietor of newspaper shall be liable to an action or prosecution for a faithful report of the proceedings at a public meeting; and proof that it was such shall amount to a defence, if the jury shall be of opinion that it was for the public benefit such proceedings should have been published.
2. Unless he shall refuse to publish a fair reply to the libel complained of, such reply not itself involving libellous matter on any other person.

PART II.

As to Proceedings in Parliament.

3. No civil or criminal proceeding shall be maintainable for the publication of a fair and true report of a debate in either House of Parliament.

PART III.

As to Actions for Libel.

4. In actions for libel the defendant may pay money into court in discharge of the action.

PART IV.

As to Prosecutions for Libel.

5. To entitle a private prosecutor to send up an indictment for libel he must first go before a justice, and enter into a recognizance to prosecute and pay costs.
6. In certain cases the defendant shall be discharged from such indictment, and shall get his costs.
7. The two previous sections not to apply to an indictment for a libel published to extort.

[Bill 106.]

A

Clauses.

8. The defendant at the trial of an indictment or information for libel may be a witness.

PART V.

As to Pleadings in case of Libel.

9. The truth of a libel may be pleaded in a short form.
10. When so pleaded the plaintiff may get a bill of particulars of what is intended to be relied upon by the defendant.

PART VI.

General Provisions.

11. Act not to affect pending proceedings.
 12. Act not to extend to Scotland.
 13. Title of Act.
-

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Libel.

WHEREAS it is expedient to amend the law of libel: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A.D. 1869.

PART I.

As to Proceedings at Public Meetings.

1. In any action or prosecution for an alleged libel in any public newspaper, proof that the alleged libel was a true and fair report of the proceedings at a meeting lawfully assembled for a lawful purpose, open to reporters for the public newspapers, and at which a reporter was present for the purpose of reporting the proceedings of such meeting for a public newspaper, and that the report was published in such newspaper by the defendant bona fide without actual malice and in the ordinary course of business, shall, except in the case herein-after mentioned, amount to a defence, in case the jury before whom the case shall come shall be of opinion that it was for the public benefit that said proceedings and the matters complained of should have been published in such newspaper, and such proof may in all cases be given by the defendant under the plea of not guilty "by statute."

No proprietor of newspaper shall be liable to an action or prosecution for a faithful report of the proceedings at a public meeting; and proof that it was such shall amount to a defence, in case the jury shall be of opinion that it was for the public benefit that said proceedings should have been published.

2. In reply to such defence, the plaintiff or prosecutor may prove that the defendant declined or omitted, when required so to do, to publish in his newspaper, and in a mode as conspicuous as that in which the said alleged libel was published, an explanation or contradiction of the alleged libel, of not unreasonable length, immediately after such contradiction or explanation shall have been furnished to the defendant by or on behalf of the plaintiff or prosecutor; and such proof shall amount to an answer to such

A refusal to publish a fair reply to the libel complained of, such reply not involving libellous matter on any other

[Bill 106.]

A 2

A.D. 1869.
 person, shall
 amount to
 an answer
 to such
 defence.

defence, unless the defendant shall show that such explanation or contradiction contained libellous matter, and that the party tendering such explanation or contradiction refused to expunge such libellous matter on being requested so to do in writing by the defendant.

5

PART II.

As to Proceedings in Parliament.

No civil or
 criminal pro-
 ceeding shall
 be maintain-
 able for the
 publication
 of a fair and
 true report
 of a debate
 in either
 House of
 Parliament.

3. No action or prosecution shall be maintainable for the publication of any defamatory matter in any newspaper, periodical, or other publication, if such defamatory matter shall form a 10 portion of a true and fair report of a debate in either House of Parliament.

PART III.

As to Actions for Libel.

In actions
 for libel the
 defendant
 may pay
 money into
 court in
 discharge of
 the action.

4. In actions for libel the defendant shall be at liberty to pay 15 into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect, and available in the same manner and to the same extent, and shall be subject to the same rules and regulations, as payment of money into court is now available and 20 subjected to in other personal actions.

PART IV.

As to Prosecutions for Libel.

To entitle a
 private pro-
 secutor to
 send up an
 indictment
 for libel he
 must first
 go before a
 justice, and
 enter into a
 recogni-
 zance to
 prosecute, &c.

5. It shall not be lawful for a private prosecutor to prefer an indictment for the publication of a defamatory libel against any 25 person who shall not have been, previously to the said indictment being preferred, bound by recognizance or committed to custody to answer the charge stated in the said indictment; and no person shall be bound by recognizance or committed to custody to answer any indictment for a libel at the suit of a private prosecutor, by 30 any justice or justices of the peace, unless such prosecutor shall enter into a recognizance before him or them, and which recognizance the said justice or justices is and are hereby empowered to take, with two solvent sureties, in such sum as to the said justice or justices shall seem fit, that he will prefer an indictment, 35 and effectually prosecute the same, if it shall be thereafter found by a grand jury, and pay such costs, if any, as shall be awarded against him in such prosecution.

6. In case any person against whom an indictment for a libel on a private prosecution shall be found shall appear and plead to the same, and the prosecutor of such indictment shall not within one whole year next after plea pleaded, or within such further time as
 5 may be granted by any court before which the indictment shall be pending or may come on for trial, procure the same to be tried, or if upon such trial the defendant shall be acquitted, or in case the prosecutor shall procure a nolle prosequi to be entered on such indictment, then in any of such cases the defendant shall be
 10 discharged from all further proceedings in respect of the alleged libel charged in such indictment, and shall be entitled to receive from such prosecutor the costs sustained by him by reason of said indictment, unless, in the case of an acquittal upon a trial, the judge before whom the indictment shall have been tried shall,
 15 immediately after the verdict thereon, certify on the back of the record that the prosecutor had reasonable cause for preferring such indictment; and for the recovery of his costs the defendant shall be entitled to the benefit of the recognizance entered into as aforesaid by the prosecutor, and shall have all the remedies
 20 incidental thereto that may be necessary to enforce the same.

A.D. 1869.

In certain cases the defendant shall be discharged from such indictment, and shall get his costs.

7. Nothing in the last two sections contained shall apply to an indictment by a private prosecutor for the publication of any defamatory libel published with intent to extort any money or security for money or any valuable thing from such private pro-
 25 secutor or any other person, or with intent to induce such private prosecutor or any other person to confer or procure for any person any appointment or office of profit or trust.

Two previous sections not to apply to an indictment for a libel published to extort.

8. On the trial of any indictment or information for a defamatory libel the defendant shall be competent to give evidence on his
 30 or her behalf.

Defendant at trial of indictment or information for libel may be a witness.

PART V.

As to Pleadings in case of Libel.

9. In all cases, civil or criminal, where a defendant is or shall be allowed to plead the truth of the matters charged in the defamatory
 35 libel as a justification or defence, or part of a defence, it shall be sufficient for the defendant to plead that the said alleged libel is true in substance and matter of fact, either alone or with such other averments as is now or may hereafter be by law required to be added to constitute a defence to any proceedings, civil or

The truth of a libel may be pleaded in a short form.

A.D. 1869. criminal, and to this plea the plaintiff or prosecutor shall be at liberty to reply generally.

When so pleaded the plaintiff may get a bill of particulars of what is intended to be relied upon by the defendant.

10. When a defendant shall plead the truth of the libel in the form allowed by this Act, a court or a judge may, if they or he shall so think fit, on the application of the plaintiff, order the defendant to give a bill of particulars of the facts, circumstances, or acts on which he intends to rely in proof of his plea, and on the trial the defendant shall not be at liberty to prove other facts, circumstances, or acts than those mentioned in his bill of particulars. 5

PART VI.

10

General Provisions.

Act not to affect pending proceedings.

11. Nothing herein contained shall affect any action or prosecution which shall have been commenced before and shall be actually pending at the time of the passing of this Act.

Act not to extend to Scotland.

12. This Act shall not extend to Scotland.

15

Title of Act.

13. For all purposes this Act may be cited as "The Libel Act, 1869."

Libel.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law of Libel.

(*Prepared and brought in by*
Mr. Baines, Mr. Caudlish, and Mr. Morley.)

Ordered, by The House of Commons, to be printed,
4 May 1869.

[Bill 106.]

Under 1 oz.

A
B I L L

TO

Amend the law relating to Life Insurance Companies.

A.D. 1869.

WHEREAS it is desirable to provide for the security of policy holders in life assurance companies by requiring publicity of such companies accounts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That after the *passing of this Act* every company issuing life policies within the United Kingdom shall, within *sixty days* from the first of January in each year, deposit returns with the Registrar of Joint Stock Companies, in the forms set forth in the schedules attached to this Act, showing,

Life assurance companies to deposit returns of income and expenditure with Registrar of Joint Stock Companies.

A, the income and expenditure of the company for the past year :
B, the balance sheet of the company for the past year :
C, the new business transactions of the company for the past year.

2. That every assurance company issuing life policies within the United Kingdom shall be required to have an actuarial report prepared once in every *ten years*, or at such shorter intervals as may be provided by the deed of settlement or articles of association of the company for an actuarial investigation into its condition, and that when and so often as such actuarial investigation shall take place a return, showing,—

Actuarial report of state of company to be prepared every ten years.

1st. The instructions on which the actuarial report is prepared ;
2d. The table of mortality on which the valuation is based ;
3d. The rate of interest assumed ; and
4th. The amount of margin of premium income reserved for future expenses and profits ;
together with a certified copy of the actuarial report itself, shall be deposited with the Registrar of Joint Stock Companies within
[Bill 35.]

A.D. 1869. twenty-one days after the said report shall have been submitted to the directors of the company.

On transfer of business of any company to another company, statements of accounts to be deposited with said Registrar.

3. When an amalgamation shall take place between any companies, or when the business of one company shall be transferred to another company, the combined company or the purchasing company shall, within ten days from the date of the completion of the amalgamation or transfer, respectively deposit with the Registrar of Joint Stock Companies certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer, together with a certified copy of the agreement or deed under which such amalgamation or transfer is effected, and certified copies of the actuarial or other reports upon which such agreement or deed is founded; and that the agreement or deed of amalgamation or transfer shall be accompanied by a statutory declaration, made by the principal manager and the chairman of the board for the time being, that every payment made or to be made to any person whatsoever on account of the said amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, or other valuable securities by or with the knowledge of any parties to the contract. 5 10 15 20

Penalty for non-compliance with Act.

4. Any refusal or neglect to comply with the requirements of this Act shall be a misdemeanor, and shall subject the directors, manager, and secretary of the defaulting company to a penalty of *twenty pounds* sterling for every day beyond the several dates herein-before fixed during which the requirements of this Act shall not be complied with; and it shall be the duty of the Registrar of Joint Stock Companies to sue for such penalties, and to pay them into Her Majesty's Treasury. 25

Short Title.

5. This Act may be cited as The Life Assurance Act, 1869.

30

SCHEDULE (A.)

ACCOUNT of the RECEIPTS and EXPENDITURE of the Life Office
from 1st of January 186 to 31st December 186 .

186 .	£	s.	d.	186 .	£	s.	d.
Dec. 31. To amount of funds, Dec. 31st, 186				Dec. 31. By Claims - - -			
„ Gross amount of				„ Surrenders - - -			
new annual } £				„ Re-assurances - - -			
premiums - }				„ Annuities - - -			
„ Single premiums -				„ Gross amount commission - -			
„ Renewal premiums				„ Expenses of management - -			
	£			„ Bad debts - - -			
„ Consideration for annuities -				„ Other payments (accounts to be }			
„ Claims on re-assurances -				specified) - - - }			
„ Commission on re-assurances -				Balance - - -			
„ Surrender of re-assurances -							
„ Fines for extension of time -							
„ Interest on investments -							
„ Other receipts (accounts to be }							
specified) - - - }							
	£						

SCHEDULE (B.)

BALANCE SHEET of the Life Office on 31st of December 186 .

LIABILITIES.				ASSETS.			
	£	s.	d.		£	s.	d.
Claims due - - -				Freehold properties (if any) - - -			
&c. &c. - - -				Leasehold „ - - -			
Sundry accounts - - -				Mortgages—			
(specify principal ones.)				On freehold and leasehold - £			
				On policies - - -			
Balance—				On reversions - - -			
Proprietor's fund (if any) - £				Investments (specify all principal			
Assurance fund - - -				accounts) :—			
Annuity fund - - -				Government securities - £			
Surplus reserve fund (if any) -				Colonial „ - - -			
				Railway „ - - -			
				&c. &c. „ - - -			
				Loans upon personal security - - -			
				Miscellaneous sums due :—			
				Agents' balances, all con-			
				sidered good, and owing less } £			
				than six months - - - }			
				Agents' balances (owing more } £			
				than six months) - - - }			
				Premiums due - - -			
				Interest „ - - -			
				&c. &c. - - -			
				Cash—			
				On deposit - - - £			
				On current account with bankers			
				&c. &c. - - -			

Life Assurance Companies.

A

B I L L

To amend the law relating to Life
Insurance Companies.

(Prepared and brought in by
Mr. Stephen Cave, Mr. Bazley, and Mr. Russell
Gurney.)

Ordered, by The House of Commons, to be Printed.
3 March 1869.

[Bill 35.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the law relating to Life Assurance Companies.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as "The Life Assurance Companies Act, 1869." Short title.

2. In this Act—

10 The term "company" means any person or persons, corporate or incorporate, not being registered under the Acts relating to friendly societies, who grant policies of assurance or annuities upon human life within the United Kingdom :

Interpreta-
tion of terms.

The term "chairman" means the person for the time being presiding over the court or board of directors of the company :
15 The term "financial year" means each period of twelve months at the end of which the balance of the accounts of the company is struck, or if no such balance is struck, then each period of twelve months ending with the thirty-first day of December.

3. Every company shall, at the expiration of each financial year, 20 prepare a statement of its income and expenditure for the past financial year, and of its balance sheet at the close of such year, in the forms respectively contained in the first and second schedules to this Act. Statements to be made by companies.

4. Every company which, concurrently with the granting of 25 policies of assurance or annuities on human life, transacts any other kind of assurance or other business shall, at the expiration of each financial year, prepare statements of its income and expenditure for the past financial year, and of its balance sheet at the close of such 30 year, in the forms respectively contained in the third and fourth schedules to this Act. Statements by company doing other than life business.

[Bill 65.]

A

A.D. 1869.

Actuarial
report and
abstract.

5. Every company shall, once in every five years if established after the passing of this Act, and once in every ten years if established before the passing of this Act, or at such shorter intervals as may be prescribed by the instrument constituting the company, or by its regulations or bye-laws, cause an investigation to be made 5 into its financial position by an actuary, and shall cause an abstract of the report of such actuary to be made in the form prescribed in the fifth schedule to this Act.

Statement
of life and
annuity
business.

6. Every company shall, within two years after the passing of this Act, and thereafter within six months of the date of each 10 such investigation as aforesaid into its financial condition, prepare a statement of its life and annuity business in the form contained in the sixth schedule to this Act.

Forms may
be altered.

7. The Board of Trade, with the consent of a company, may alter the forms contained in the schedules to this Act, for the purpose of 15 adapting them to the circumstances of such company, or of better carrying into effect the objects of this Act.

Statements,
&c. to be
signed and
printed and
deposited
with Board
of Trade.

8. Every statement, report, or abstract herein-before required to be made shall be signed by the chairman of the company and by the principal officer managing the life business, and, if the company 20 has a managing director, by such managing director, and shall be printed; and the original, so signed as aforesaid, together with three printed copies thereof, shall be deposited at the Board of Trade within sixty days of the dates respectively herein-before prescribed as the dates at which the same are to be prepared. And every 25 annual statement shall be accompanied by a printed copy of the actuarial report and abstract last previously made.

Copies of
statements
to be given
to share-
holders, &c.

9. A printed copy of every statement, abstract, or other document by this Act required to be printed shall be delivered by the company, on application, to every shareholder, life-policy holder, 30 or annuity holder of the company.

Statements
in case of
amalgama-
tion or
transfer.

10. When an amalgamation takes place between any companies, or when the business of one company is transferred to another company, the combined company or the purchasing company, as the case may be, shall, within ten days from the date of the completion 35 of the amalgamation or transfer, deposit with the Board of Trade certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer, and a certified copy of the agreement or deed under which 40 such amalgamation or transfer is effected, and certified copies of the

actuarial or other reports upon which such agreement or deed is founded; and the statement and agreement or deed of amalgamation or transfer shall be accompanied by a declaration under the hand of the chairman of each company and the principal managing officer

A.D. 1869.

5 of each company, that every payment made or to be made to any person whatsoever on account of the said amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, or other valuable securities, by or with the knowledge of any parties to the said amalgamation or transfer.

11. The Board of Trade may direct any printed or other documents required by this Act, or certified copies thereof, to be kept by the registrar of Joint Stock Companies; and any person may inspect the same at his office, and procure copies thereof on payment of such fees as the Board of Trade may direct.

Documents may be transferred from Board of Trade to registry of joint stock companies.

12. Every statement, abstract, or other document deposited with the Board of Trade or with the registrar of Joint Stock Companies under this Act shall be receivable in evidence; and every such document, and every copy thereof purporting to be certified by one of the secretaries or assistant secretaries of the Board of Trade, or by the said registrar, shall, if produced out of the custody of the Board of Trade or of the said registrar, be deemed to be such document as aforesaid, or shall be received as evidence thereof, unless the contrary is proved.

Documents to be received in evidence.

13. Sections 56 to 61, both inclusive, of the Companies Act, 1862, shall be incorporated with this Act, and shall apply to every assurance company, whether registered or not registered under the Companies Act, 1862; and the Board of Trade may direct an examination into the affairs of a company under the said 56th and following sections of the Companies Act, 1862, upon the application of not less than twenty persons having held policies of the company for not less than three years, and representing in the aggregate an amount assured of not less than twenty thousand pounds.

Inspection of affairs of company.

14. Every company which makes default in complying with the requirements of this Act shall be liable to a penalty not exceeding fifty pounds for every day during which the default continues.

Penalty for non-compliance with Act.

15. If any statement, abstract, or other document required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable on conviction thereof on indictment to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding fifty pounds.

Penalty for falsifying statements, &c.

Penalties
how to be
recovered
and applied.

16. Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the Companies Act, 1862, are recoverable and applicable.

Abstracts
of annual
statements
to be laid
before Par-
liament.

17. The Board of Trade shall lay annually before Parliament an abstract of the annual statements deposited with them under this Act. 5

FIRST SCHEDULE.

[65.]

Account of the Income and Expenditure of the		for the year ending	
18 (Date.)	Amount of funds at the beginning of the year	18 (Date.)	Claims under policies (after deduction of sums re-assured)
	Premiums (after deduction of re-assurance premiums)		Surrenders
	Consideration for annuities granted		Annuities
	Interest and dividends		Commission
	Other receipts (accounts to be specified)		Expenses of management
			Dividends and bonuses to shareholders (if any)
			Other payments (accounts to be specified)
			Amount of funds at the end of the year, as per second schedule
	£		£

Companies having separate accounts for annuities to return the particulars of their annuity business in a separate schedule.

SECOND SCHEDULE.

Balance sheet of the _____ on the _____ 18__			
Dr.		Cr.	
Shareholders' capital paid up	- £	Investments :	£ s. d.
Assurance fund	-	In Government securities	-
Annuity fund (if any)	-	Indian and Colonial Government securities	-
Other funds, if any, to be specified	-	Foreign securities	-
		Railway and other debenture stocks and shares	-
		Freehold and leasehold properties	-
		Other investments to be specified	-
Total funds as per first schedule	£ -	Mortgages, including all loans on security of property	-
Claims admitted but not paid	-	Loans upon personal security	-
Other sums owing by the company (accounts to be specified)	-	Agents' balances owing more than 6 months	-
		Do. considered good, and owing less than 6 months	-
		Outstanding premiums	-
		Do. interest	-
		Cash in hand and on deposit	-
		Other assets to be specified	-
	£		£

THIRD SCHEDULE.

Account of Income and Expenditure of the _____ for the year ending _____.

[65.]

(No. 1.) LIFE ASSURANCE ACCOUNT.		(No. 2.) FIRE ACCOUNT.		(No. 3.) PROFIT AND LOSS ACCOUNT.	
(Date.)	Amount of life assurance fund at the beginning of the year	(Date.)	Claims under life policies (after deduction of sums re-assured)	(Date.)	Dividends and bonuses to shareholders
	Premiums, after deduction of re-assurance premiums		Surrenders		Expenses not charged to other accounts
	Consideration for annuities granted		Annuities		Loss realised (accounts to be specified)
	Interest and dividends		Commission		Other payments
	Other receipts (accounts to be specified)		Expenses of management		Balance as per Fourth Schedule
			Other payments (accounts to be specified)		
			Amount of life assurance fund at the end of the year, as per Fourth Schedule		
	£		£		£
Note.—Companies having separate accounts for annuities to return the particulars of their annuity business in a separate statement.					
	Amount of fire insurance fund at the beginning of the year		Losses by fire after deduction of re-assurances		
	Premiums received, after deduction of re-assurances		Expenses of management		
	Other receipts to be specified		Commission		
			Other payments to be specified		
			Amount of fire insurance fund at the end of the year, as per Fourth Schedule		
	£		£		
Note.—When marine or any other branch of business is carried on, the income and expenditure thereof to be in like manner stated in a separate account.					
	Balance of last year's account				
	Interest and dividends not carried to other accounts				
	Profit realised (accounts to be specified)				
	Other receipts				
	£				£
Note.—This account is not required if the items have been incorporated in the other accounts of this schedule.					

FOURTH SCHEDULE.

Cash Balance Sheet of the		on the		18
LIABILITIES.		ASSETS.		
		Investments :—		£ s. d.
Shareholders' capital	-	In Government securities	-	-
General reserve fund (if any)	-	Indian and colonial securities	-	-
Life assurance fund	-	Foreign securities	-	-
Annuity fund (if any)	-	Railway and other debenture stocks and shares	-	-
Fire fund	-	Freehold and leasehold properties	-	-
Marine fund	-	Other investments to be specified	-	-
Profit and loss (if any)	-	Mortgages, including all loans on security of property	-	-
Other funds, if any, to be specified	-	Loans upon personal security	-	-
Claims under life policies admitted but not yet paid	-	Agents' balances owing more than six months	-	-
Outstanding fire losses	-	Do. considered good, and owing less than six months	-	-
Other sums owing by the Company (accounts to be specified)	-	Outstanding premiums	-	-
		Do. interest	-	-
		Cash in hand and on deposit	-	-
		Other assets to be specified	-	-
				£

FIFTH SCHEDULE.

STATEMENT respecting the VALUATION of the LIABILITIES under LIFE POLICIES and ANNUITIES of the _____, to be made by the ACTUARY.

(The answers should be numbered to accord with the numbers of the corresponding questions.)

1. The date up to which the valuation is made.
 2. Whether the principles of the valuation and distribution of profits among the policy holders are determined by the instrument constituting the company, or by its regulations or byelaws, or otherwise.
 3. The table or tables of mortality used in the valuation.
 4. The rate or rates of interest assumed in the calculations.
 5. The proportion of the annual premium income, if any, reserved as a provision for future expenses and profits. (If the provision is made in some other mode, the nature and amount of the provision must be stated.)
 6. The liabilities of the company under life policies and annuities at the date of the valuation, showing the number of policies, the amount assured, and the amount of premiums payable annually under each class of policies, both with and without participation in profits. (This return should be made in the form annexed.)
 7. The results of the valuation, showing—
 - (1.) The total amount of profit made by the company.
 - (2.) The amount of profit divided among the policy holders, and the number and amount of the policies which participated.
 - (3.) The time during which a policy must have been in force to entitle it to a share in the profit.
 - (4.) Specimens of bonuses allotted to policies for 100% effected at the respective ages of 20, 30, 40, and 50, and having been in force for 5 and 10 years respectively, together with the amounts of the various modes in which the bonus might be received.
-

(Form referred to under heading No. 6. in Fifth Schedule.)

as at 18 .

SUMMARY and VALUATION of the POLICIES of the

Description of Transactions.	Particulars of the POLICIES for Valuation.				VALUATION.			
	Number of policies.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums, if ascertained.	Value by the			per cent.
					Sums assured and bonuses.	Office yearly premiums.	Table, Interest	
							Net yearly premiums, if computed.	Net liability.
ASSURANCES.								
<i>I. With participation in profits.</i>								
For whole term of life -	-	-	-	-	-	-	-	-
Other classes (to be specified) -	-	-	-	-	-	-	-	-
Extra premiums payable -	-	-	-	-	-	-	-	-
Total Assurances with profits -	-	-	-	-	-	-	-	-
<i>II. Without participation in profits.</i>								
For whole term of life -	-	-	-	-	-	-	-	-
Other classes (to be specified) -	-	-	-	-	-	-	-	-
Extra premiums payable -	-	-	-	-	-	-	-	-
Total Assurances without profits -	-	-	-	-	-	-	-	-
Total assurances -	-	-	-	-	-	-	-	-
Deduct re-assurances -	-	-	-	-	-	-	-	-
Net amount of assurances -	-	-	-	-	-	-	-	-
Adjustments, if any -	-	-	-	-	-	-	-	-
ANNUITIES.								
Immediate -	-	-	-	-	-	-	-	-
Other classes (to be specified) -	-	-	-	-	-	-	-	-
Total of the results -	-	-	-	-	-	-	-	-

SIXTH SCHEDULE.

STATEMENT of the LIFE ASSURANCE and ANNUITY BUSINESS of the
on the 18 .

(The answers should be numbered to accord with the numbers of the corresponding questions.)

1. The table or tables of premiums for assurances for the whole term of life which are in use at the date above mentioned.

2. The *total* amount assured on lives for the whole term of life, which are in existence at the date above mentioned, distinguishing the portions assured with and without profits, and specifying the sums assured for each quinquennial period of life.

3. The amount of premiums receivable annually for each quinquennial period of life in respect of the assurances mentioned under heading No. 2, distinguishing ordinary from extra premiums.

4. The *total* amount assured under classes of assurance business, other than for the whole term of life, or upon a single life, distinguishing the sums assured under each class.

5. The amount of premiums receivable annually in respect of each such special class of assurances mentioned under heading No. 4, distinguishing ordinary from extra premiums, and the total amount of premiums which have been received from the commencement upon all policies under each special class which are in force at the date above mentioned.

6. The *total* amount of immediate annuities on lives, distinguishing the amounts for each quinquennial period of life.

7. The amount of all annuities other than those specified under heading No. 6, distinguishing the amount of annuities payable under each class, and the amount of premiums annually receivable in respect of each such class.

**Life Assurance
Companies.**

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the law relating to Life
Assurance Companies.

*(Prepared and brought in by
Mr. Stephen Cave, Mr. Bazley, and Mr. Russell
Gurney.)*

*Ordered, by The House of Commons, to be Printed,
8 April 1869.*

[Bill 65.]
Under 2 oz.

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B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes relative to certain districts under that Act. A.D. 1869.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain provisional orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 15 **1.** The provisional orders contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional orders in schedule confirmed.
- 20 **2.** So much of the proviso to the first section of "The Local Government Act, 1868 (No. 6)," as refers to the clause numbered 2 in the provisional order for the district of Burton-upon-Trent, page 31, shall be and the same is hereby repealed, and such clause shall be read as if no reference had been made to it in the said proviso. Partial repeal of sect. 1 of Local Government Act Amendment Act, 1868 (No. 6) so far as relates to Burton-upon-Trent.
- 25 **3.** Whereas on the seventh day of July one thousand eight hundred and sixty-eight Her Majesty was graciously pleased, under The council of Huddersfield to be

[Bill 90.]

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A.D. 1869.

the local
board of
Fartown and
Dalton.

the powers and authorities conferred in that behalf by the statute of the fifth and sixth of William the Fourth, chapter seventy-six, entitled "An Act to provide for the regulation of municipal corporations in England and Wales," and of the statute seventh William the Fourth and first Victoria, chapter seventy-eight, entitled 5 "An Act to amend an Act for the regulation of municipal corporations in England and Wales," to grant a charter of incorporation to the inhabitants of the town of Huddersfield in the west riding of the county of York, as set forth in such charter: And whereas at the time of the granting of the said charter the Local 10 Government Act, 1858, had been adopted within the districts of Bradley, Deighton, Mold Green, Almondbury, Newsome, Lockwood Marsh, and Lindley-cum-Quarmby, which are within the limits of the area incorporated by the said charter, and the powers, authorities, duties, properties, and liabilities of the local boards for the 15 said districts have respectively ceased and determined, and have become vested in the council of the said borough: And whereas there are situated within the incorporated area of the said borough of Huddersfield the hamlet of Fartown, and the district or division of Dalton (the latter being such part of the township of Dalton 20 within the said borough as is not comprised within the limits of the Mold Green local board district), and the council of the said borough of Huddersfield being desirous for the purpose of promoting the health and good government of the said hamlet of Fartown and district of Dalton, and of acquiring in and for the 25 same respectively the powers of the Local Government Act, 1858, has accordingly, by resolutions of the council, duly passed at a special meeting convened in accordance with the provisions of the said Act, adopted the said Act in and for the hamlet and district respectively: And whereas under the peculiar circumstances of the 30 district now comprised within the said borough before the grant of the said charter of incorporation doubts have arisen respecting the validity and effect of the adoption of the said Act in the hamlet and district last aforesaid, which doubts it is desirable to remove: Be it therefore enacted, that the mayor, aldermen, and burgesses 35 of the said borough of Huddersfield, by the council of the said borough, shall be the local board for the hamlet or division of Fartown and for the district or division of Dalton respectively, as districts under the Local Government Act, 1858, and that the said council shall have within the said districts respectively all powers 40 and authorities which a local board may have and exercise in a district duly constituted under the Local Government Act, 1858.

4. Whereas the local boards for the said several districts within the area of the said borough of Huddersfield have by force of the thirty-third section of the Public Health Act, 1848, as amended by the twenty-sixth section of the Local Government Act, 1858, become merged and incorporated in the council of the said borough, and the said council has become for each such local board district the local board for the same, and now acts as such for each of such districts respectively, and keeps separate accounts and levies separate rates for each of such districts: And whereas pursuant to the powers and authorities in that behalf conferred by the Act of the twentieth and twenty-first Victoria, chapter fifty, the improvement commissioners constituted by the Huddersfield Improvement Act, 1848, have by deed transferred to the council of the said borough of Huddersfield all the rights, powers, estates, property, and liabilities of such commissioners: And whereas it is expedient and desirable that all the powers of the local boards of the said several districts and of the said improvement commissioners should be exercised by the council of the said borough in the name of the said council only, without adding any other designation whatsoever: Be it therefore enacted, that the said council shall be the local board of health for each of the districts comprised in the said borough, and shall or may in all matters and things in relation to each and any of the said districts, and in relation to the district and powers of the said Improvement Commissioners Act, be described by the name of the council of the borough of Huddersfield without any other designation whatsoever, and that the said council may, as and when it thinks fit, appoint such and so many persons as it may deem necessary to be officers for carrying out all or any of the provisions of the Acts of Parliament applicable thereto respectively in all or any of the districts or divisions of the said borough for which the said council is constituted the local board, or is invested with the powers of the said improvement commissioners, and to remove at its pleasure all and any of such officers; and further that the said council may apportion and charge the salaries and expenses of all and any of such officers to the several districts or divisions aforesaid according to the rateable value of the property therein respectively, or otherwise as the said council shall deem fair and equitable.

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The council of Huddersfield to be the local board of all the districts comprised in the borough, and to exercise the powers of commissioners under the Local Improvement Act by the name of the council of the borough of Huddersfield.

5. Whereas the cost of the maintenance and protection from the encroachments of the sea of so much of the Worthing and Lancing turnpike road as lies within the district of Worthing,

So much of the Worthing and Lancing turnpike road as is within the dis-

A.D. 1869. and is referred to in the Worthing provisional order in the schedule to this bill annexed, can no longer be defrayed by the trustees of the said turnpike road: And whereas the maintenance and protection from the sea of the said turnpike road and the lands adjacent thereto is a necessary work for the safety of the said 5 district: It is hereby enacted, that so much of the said turnpike road as is included in the said district shall be a street within the meaning of the second section of the Public Health Act, 1848, anything in that Act to the contrary notwithstanding, and that the portion of the said turnpike lying to the eastward of the said 10 district shall from the passing of this Act cease to be a turnpike road, and shall henceforth be a public highway repairable by the inhabitants of the parish within which the same is situated.

—
 district of Worthing to be a street within the meaning of the Public Health Act, 1848, and the portion of the said turnpike to the east of the said district to cease to be a turnpike and become a public highway repairable by the parish.

Act incorporated with 21 & 22 Vict. c. 98. **6.** This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local 15 Government Act were one.

Short title. **7.** In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1869."

SCHEDULE of Provisional Orders referred to in the
preceding Bill.

1. BIDEFORD.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
 - 5 2. BOURNEMOUTH.—Altering a Local Act in force within the district.
 3. BOWNESS.—Alteration of boundaries of the district.
 4. BRISTOL.—Altering a Local Act in force within the district.
 5. CROYDON.— Do. do.
 6. CROYDON.—Alteration of the number of members of the Local Board.
 - 10 7. FLEETWOOD.—Altering a Local Act in force within the district.
 8. HANLEY.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
 9. HARROGATE.— Do. do.
 10. LITCHURCH.— Do. do.
 - 15 11. LITHERLAND.—Extending the borrowing powers of the Local Board.
 12. PORTSMOUTH.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
 13. ROCHDALE.—Partial repeal of Local Act, and extending the borrowing powers of the Local Board.
 - 20 14. RYDE.—Extending the borrowing powers of the Local Board.
 15. WORTHING.—Partially repealing and altering a Local Act in force within the district.
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A.D. 1869.

BIDEFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Bideford (Devonshire) Local Board, for the Purchase of Lands by the said Board for Works of Water Supply.

5

WHEREAS the Local Board for the district of Bideford, in the county of Devon, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for works of water supply within their district :

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued to such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

30

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Bideford, in the county of Devon, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes hereinbefore set forth and described.

35

Given under my hand this second day of April one thousand eight hundred and sixty-nine.

40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the Plan accompanying the Petition of the Local Board aforesaid.

5	No. on Plan.	Description.	Owner.	Lessee.	Occupier.
10	13	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	14	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	15	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	16	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
15	17	Coppice - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
20	18	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	19	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
	21	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
	22	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
23, 23a	23	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
25	24	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
	25	Field - - -	Mrs. Mary Jane Mill -	- - - -	Mrs. Mary Jane Mill.
	26	Field - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	27	Occupation road -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
30	28	Field and coppice -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	29	Field and coppice -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	30	Coppice - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
35	31	Coppice - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
40	32	Field - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	33	Stream - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	34, 35	Fields - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.

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BOURNEMOUTH.

Provisional Order altering the Bournemouth Improvement Act, 1856.

WHEREAS the Commissioners acting under the Bournemouth Improvement Act, 1856, as the Local Board in and for the district of St. Peter, Bournemouth, in the parishes of Christchurch and Holdenhurst, in the county of South-
ampton, have, in pursuance of the provisions of the Local Government Act, 1858, and after complying with the requirements thereof, duly presented a Petition to one of Her Majesty's Principal Secretaries of State for alteration and repeal of their Local Act:

And whereas after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted, so far as is herein-after set forth; but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The sections of the Local Act aforesaid numbered respectively 3 and 5, fixing the number of the said Commissioners and the manner of their election, shall be and the same are hereby altered by the substitution in section 3 of fourteen for thirteen as the number of the said Commissioners, and by the substitution in section 5 of the words “in manner prescribed by the Local Government Act, 1858,” for the words “in manner prescribed by the Commissioners Clauses Act, 1847,” and the incorporation of the Commissioners Clauses Act, 1847, with the said Local Act, by the 7th section thereof, shall not extend to the provisions of the said Commissioners Clauses Act prescribing the manner of election. 25
- 2.—The section of the Local Act aforesaid numbered 19, and incorporating the Harbours, Docks, and Piers Clauses Act, 1847, shall be and the same is hereby altered by excepting from such incorporation sections from 14 to 19 of the said Harbours, Docks, and Piers Clauses Act, 1847, and by omitting the proviso of the said 19th section, that the said Commissioners need not provide a tide and weather gauge. 35
- 3.—The section of the Local Act aforesaid numbered 20, giving power to levy tolls on the pier constructed under the powers of the said Act, shall be and the same is hereby altered by inserting before the proviso of the said section the words “the Commissioners shall have power
“ from time to time by byelaws to be published, deposited, and confirmed by the Secretary of State in the same manner as byelaws
“ under the Local Government Act, 1858, to regulate the use of the
“ said pier, and to restrict the same to such purposes as they shall
“ think fit.” 40

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4.—The section of the Local Act aforesaid numbered 26, incorporating certain sections of the Markets and Fairs Clauses Act, 1847, shall be altered by excepting from such incorporation the section of the said Markets and Fairs Clauses Act numbered 13, and prohibiting under a penalty sales elsewhere than in the market.

5.—The sections of the Local Act aforesaid numbered respectively 9, 10, 11, 12, and 30 to 36, both inclusive, shall be and the same are hereby repealed.

Given under my hand this ninth day of April in the year one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

BOWNESS.

Provisional Order for altering the Boundaries of the District of Bowness in the County of Westmoreland under the Provisions of the Local Government Act, 1858.

WHEREAS a petition has been duly presented to one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, signed by owners of a certain portion of the district of Bowness in the county of Westmoreland herein-after described, and to which the Local Government Act, 1858, does not extend, praying for the addition to such district of Bowness of all that part of the Kendal turnpike road leading from Kendal to Ferry Nab on Windermere Lake marked D to E on the plan accompanying the aforesaid petition, and described therein, and for the addition to the district of Bowness aforesaid of the herein-before mentioned portion of such road :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The district of Bowness aforesaid, in which the Local Government Act, 1858, is now in force, be altered by the addition to the said district of the portion of the turnpike road from Kendal to Ferry Nab on Windermere Lake that lies between the points marked D and E on the plan accompanying the petition aforesaid.

2.—At every election of members of the Bowness Local Board aforesaid, which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the district of such Board, as altered by this Order, and

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by the votes of owners of, and ratepayers in respect of, property situate within the district so altered as aforesaid.

Given under my hand this ninth day of November, in the year one thousand eight hundred and sixty-eight.

(Signed) GATHORNE HARDY. 5

BRISTOL.

Provisional Order altering Parts of a Local Act in force within the District of the Bristol Local Board of Health.

WHEREAS the Mayor, Aldermen, and Burgesses of the city of Bristol, being by the council of the said city the Local Board of Health in and for the district of the city and county of Bristol, in which the Local Government Act, 1858, is in force, have, in pursuance of such Act, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say, 10 15

An Act passed in the third year of the reign of Her present Majesty Queen Victoria, intituled "An Act for regulating the buildings and party-walls within the city and county of Bristol, and for widening and improving several streets within the same:" 20

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament: 25

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,— 30

The section numbered 69 in the copies of the said herein-before recited Local Act, printed by the Queen's Printers, shall be altered by the addition thereto of the following proviso:—"Provided also, that the provision and condition with regard to the sale or disposal of lands or tenements in this section shall extend and apply to the sale of all lands sold under the powers and for the purposes of the Local Government Act, 1858, in the said city and county." 35

Given under my hand this third day of April one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE. 40

A.D. 1869.

CROYDON.

Provisional Order altering a Local Act in force within the District of the Croydon Local Board of Health.

WHEREAS there is a certain Local Act having relation to the purposes of
5 the Local Government Act, 1858, and not conferring powers or privileges on
any corporation, company, undertakers, or individuals for their own pecuniary
benefit, now in force in the district of the Croydon Local Board of Health, in
the county of Surrey, passed in the forty-sixth year of the reign of King George
the Third, intituled "An Act for rebuilding the Court House and Butter
10 " Market House of the Town of Croydon, in the County of Surrey, for pro-
" viding an additional Burial Ground, and for selling certain Waste Lands
" belonging to the said Parish:"

And whereas, under the said Act, certain lands therein specified were
vested in certain trustees, in trust, among other things, out of the proceeds of
15 the sale thereof, to build a town hall or court house and a butter market house,
to be vested in the said trustees, and to purchase or exchange land for a burying
ground, and to let parts of the said buildings, and to sell any property so
vested that might be found useless or unnecessary for the purposes of the said
buildings, and to retain certain lands for gravel pits for the use of the public
20 roads of the said parish, and to sell the same when worn out, and purchase
others, and otherwise to dispose of the overplus of monies arising from sales
under the said Act, as directed by the said Act:

And whereas certain lands, buildings, and other property are vested under
the powers of this Act in the trustees for the execution of the same:

25 And whereas a petition has been presented to me as one of Her Majesty's
Principal Secretaries of State, praying for the transfer of such buildings, lands,
and other property to the Local Board of Health of the said district:

And whereas, after inquiry duly made under the said Local Government
Act by Arnold Taylor, Esquire, the inspector appointed for that purpose, and
30 on his report thereon it appears to me expedient that such transfer should be
made, but the same cannot be effected without the authority of Parliament:

Now, therefore, in pursuance of the powers vested in me by the said
Local Government Act, I, as one of Her Majesty's Principal Secretaries of
State, do, by this Provisional Order under my hand, direct that from and after
35 the passing of any Act of Parliament confirming this Order—

- 1.—All the monies, lands, buildings, and other estate whatsoever now vested
in the trustees for the execution of the said herein-before recited
Local Act, and all the debts, liabilities, and contracts of the said
trustees, shall be transferred to the said Local Board of Health.
- 40 2.—All duties of the said trustees shall be performed, and all debts, liabilities,
and contracts of the said trustees shall be paid, satisfied, and executed,
by the said Local Board, as, if this Order had not been made, they
would by law have had to be performed, paid, satisfied, and executed

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by the said trustees, and all monies owing to the said trustees shall be payable to the said Local Board.

- 3.—The Local Board of Health shall be constituted trustees under and for the purposes of the said Act; and the duties of the trustees and officers, &c. acting in execution of the said Act shall cease and determine. 5

Given under my hand this sixteenth day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

CROYDON.

10

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon, in the County of Surrey.

WHEREAS by a Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1849, the said Public Health Act has been duly applied to the district of Croydon, in the county of Surrey: 15

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such district: 20

And whereas by another Provisional Order signed by one of Her Majesty's Principal Secretaries of State, and bearing date the second day of July 1862, and duly confirmed by Parliament, the number of members of the said Local Board of Health was increased to fifteen, twelve to be elected by and for the Croydon ward of the said district, and three by and for the Norwood ward of the said district: 25

And whereas a petition has been presented to me from owners and rate-payers of the said Norwood ward, praying for separation of the said ward from the said district: 30

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and held in the said district by Arnold Taylor, Esq., the inspector appointed for the purpose, in respect of the matters mentioned in the said petition: 35

And whereas on the report of the said inspector it appears to me inexpedient to make such separation, but expedient to issue a Provisional Order increasing the number of representatives of the said ward; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

A.D. 1869.

- 5 1.—The number of members to constitute the Local Board of Health for the district of Croydon shall be eighteen, anything in the Croydon Provisional Orders bearing date the fourteenth day of July one thousand eight hundred and forty-nine, and the second day of July one thousand
10 eight hundred and sixty-two, and so confirmed as aforesaid, to the contrary notwithstanding.
- 15 2.—Of the said eighteen members, twelve shall be allotted to and be elected by and for the Croydon ward of the aforesaid district, the boundaries of which said Croydon ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th section of the Local Government Act, 1858; and six of the said eighteen members shall be allotted
20 to and elected by and for the Norwood ward of the aforesaid district, the boundaries of which said Norwood ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th section of the Local Government Act, 1858, aforesaid, and that the first election of the said additional members do take place within one month from the date of the passing of the Act confirming this Order.
- 25 3.—One third in number of the twelve members to be so elected for the Croydon ward, and one third in number of the six members to be so elected for the Norwood ward, shall annually go out of office on the day fixed by the Provisional Order first aforesaid bearing date the fourteenth day of July one thousand eight hundred and forty-nine.
- 30 4.—The member annually to retire of the three additional members for the Norwood ward in the years one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, shall be the member among the three newly elected members who shall have attended the least number of Local Board meetings during the year preceding such retirement; and during subsequent years the third of such members to retire shall be determined by rotation.

35 Given under my hand this sixteenth day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

FLEETWOOD.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Fleetwood Improvement Commissioners.

WHEREAS the Commissioners acting in execution of a Local Improvement Act 5 in force within the town of Fleetwood and the neighbourhood thereof, in the county palatine of Lancaster, passed in the fifth year of the reign of Her present Majesty, and intituled "An Act for paving and lighting, watching, " cleansing, and otherwise improving the town of Fleetwood and the neigh- 10 " bourhood thereof, in the county palatine of Lancaster, and for establishing " a market therein," have, in pursuance of the 77th section of the Local Govern- ment Act, 1858, (which has been duly adopted by the said Commissioners,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an Act having relation to the purposes of the said Local Government Act, and not 15 conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit :

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the several matters mentioned in the said petition, and report made to me thereon by Robert Morgan, Esq., 20 the inspector appointed for that purpose :

And whereas the said Commissioners have adopted the sections of the Local Government Act, 1858, relating to the constitution, qualification, meetings, conduct, and order of business of Local Boards :

And whereas it appears expedient to issue a Provisional Order in relation 25 to the said matter ; but no such Order can be valid without confirmation by Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after 30 the passing of any Act of Parliament confirming this Order—

- 1.—The sections numbered in the copies of the said Local Act 1 to 18, both inclusive, relating to the constitution, qualification, meetings, and conduct and order of business at meetings of the said Commissioners, shall be repealed. 35
- 2.—The powers, authorities, duties, and liabilities of the said Commissioners under the unrepealed portions of the said Local Act shall be transferred to a Board of Commissioners to be qualified and elected in the manner and form set forth and prescribed for Local Boards by the Local Government Act, 1858, within the period of one month from 40 the date of the passing of any Act of Parliament confirming this present Order.

3.—The said Board of Commissioners for the district of Fleetwood shall consist of twelve members, of whom one third shall retire annually at such time and in such manner as is prescribed by the Local Government Act, 1858. A.D. 1869.

5 4.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be hereby transferred to and vested in the said Local Board, and shall be held and applied by the said Local Board for the general purposes of such Local Board.

10 5.—All debts, monies, and securities for money contracted or payable by such Commissioners shall be paid and satisfied by the said Local Board out of the said transferred property and estate by such Commissioners, as they would have now by law to be paid and satisfied.

Given under my hand this thirty-first day of March in the year one thousand eight hundred and sixty-nine.

15

(Signed) H. A. BRUCE.

HANLEY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Hanley (Staffordshire) Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvement.

20 WHEREAS the corporation of the borough of Hanley, acting as the Local Board in and for the district of Hanley, in the county of Stafford, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said borough, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for purposes of street improvements within their district:

30 And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purpose as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned
35 no answer to the notice issued to such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the
40 Home Department directed Robert Rawlinson, Esquire, C.B., the inspector

A.D. 1869. appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government 5 Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1. The Local Board for the district of Hanley, in the county of Stafford, shall be empowered to put in force, with reference to the lands referred 10 to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement for the purposes hereinbefore set forth and described.

Given under my hand this thirty-first day of March one 15 thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following ; and the numbers in column 1 refer to those on the plan accompanying the petition of the 20 Local Board aforesaid.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
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FIRST PART.

As to the improvement of Piccadilly.

1	Shop and premises and outbuildings.	George Paddock	Messrs. Pauer & Co.	Messrs. Pauer & Co.	25
2	Shop and premises and outbuildings.	George Paddock	Fanny Pelling	Fanny Pelling.	
3	Shop and premises and outbuildings.	George Paddock	John Bell	John Bell.	30
4	Shop and premises and outbuildings.	George Paddock	-	William Scarlett.	
5	Shop, workshop, and outbuildings.	George Paddock	Ebenezer Cruikshank	Ebenezer Cruikshank.	
6	Shop and premises and outbuildings.	George Paddock	-	Joseph Solomons.	35
7	Beer vaults	William Grosvenor and Alfred Brooks Fox.	John Wilkinson	John Wilkinson.	
8	House, shop, and premises	William Grosvenor and Alfred Brooks Fox.	-	John Titterton.	40

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
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SECOND PART.

As to the improvement of Stafford Street.

5	9	Cottage, land, and out-buildings.	George Dale	-	-	-	-	William Adkins.
	10	Beerhouse, land, and out-buildings.	George Dale	-	-	-	-	George Dale.
10	11	Cottage house and out-buildings.	Ralph Booth	-	-	-	-	John Moreton.
	12	Cottage house and out-buildings.	Samuel Goldstraw	-	-	-	-	William Marsh.
	13	Cottage house and out-buildings.	Samuel Goldstraw	-	-	-	-	William Johnson.
15	14	Cottage house and out-buildings.	Thomas Cooper	-	-	-	-	Thomas Cooper.
	15	Shop, house, and out-buildings.	Peter Rochell	-	-	-	-	John Rochell.
	16	Blacksmith's shop	Mary Trabshaw	-	-	-	-	George Leake.
20	17	Manufactory and hovel	Representatives of John Dimmock, deceased.	-	-	-	-	Representatives of John Dimmock, deceased.

THIRD PART.

As to the improvement of Albion Street.

25	18	House, garden, and out-buildings.	Henry Ward	-	-	-	-	Bernard Collett.
	19	House, garden, and out-buildings.	Joseph Barnard Davis	-	-	-	-	Joseph Barnard Davis.

FOURTH PART.

As to the improvement of Old Hall Street.

30	20	Stable and yard	Mary Mellor	-	-	-	-	Charles Mellor.
	21	House, brewhouse, beer-house, and outhouse.	James Barlow	-	-	-	-	James Barlow.
	22	House, garden, and out-buildings.	Elizabeth Meigh	-	-	-	-	Dr. Burn.
35	23	Shop, premises, and out-buildings.	Elizabeth Meigh	-	-	-	-	Wm. Latham.
	24	Land	Old Hall Earthenware Co. (Limited).	-	-	-	-	Old Hall Earthenware Co. (Limited).
	25	Cottage house	Mary Ann Heath	-	-	-	-	Thomas Johnson.
40	26	Cottage house	Rebecca Heath	-	-	-	-	Sarah Shenton.
	27	Cottage house	Mary Ann Heath	-	-	-	-	Wm. Clewlow.
	28	Manufactory	Elizabeth Meigh	-	James William Pankhurst	-	-	James William Pankhurst.

FIFTH PART.

As to the improvement of New Street.

45	29	House and yard	Mary Mellor	-	-	-	-	Charles Mellor.
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SIXTH PART.

As to the improvement of Swan Street.

50	30	Beerhouse, house, and out-buildings.	John Adams	-	-	-	-	Thomas Stubbs.
	31	Shop, house, and out-buildings.	Susannah Carr	-	-	-	-	Sarah Smith.

SEVENTH PART.

As to the improvement of Bethesda or Paxton Street.

32	Garden	Ralph Stevenson	-	Enoch Hampton	-	Thomas Lowndes.
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A.D. 1869.

HARROGATE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of Harrogate, in the County of York, for the Purchase of Lands by the Local Board of Health of the aforesaid District for Sewage Irrigation. 5

WHEREAS the Local Board of Health for the district of Harrogate, in the county of York, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, duly presented a petition to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, for the purchase of lands required for the disposal of the sewage of their district by irrigation: 10

And whereas the said petition duly set forth the several pieces of land intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district; and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon: 15 20 25

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order— 30

The said Local Board of Health for the district of Harrogate aforesaid shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, and in the petition herein-before referred to, and shown upon the plan accompanying such petition, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement. 35

Given under my hand this twenty-third day of January in the year one thousand eight hundred and sixty-nine. 40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken are the following.

No. on the Plan.	Description of Lands.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
5 487 and 490	All that piece or parcel of land situated in the townships of Bilton - with - Harrogate and Killinghall, and which said piece or parcel of land contains by admeasurement 14 acres 2 roods and 7 perches, or thereabouts, be the same more or less.	The Reverend J. C. Thompson, Rector of Ripley.	Henry Atkinson -	Henry Atkinson.
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LITCHURCH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Litchurch (Derbyshire) Local Board, for the Purchase of Lands by the said Board for Purposes of Drainage.

- 20 WHEREAS the Local Board in and for the district of Litchurch, in the county of Derby, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase a certain piece of land required for intercepting tanks in connexion with the sewage outfall of their district :

- And whereas the said petition duly set forth in the schedule annexed thereto the piece of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement ; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

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A.D. 1869. — Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

5

1. The Local Board for the district of Litchurch, in the county of Derby, shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein- 10 before set forth and described.

Given under my hand this thirty-first day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

15

The Piece of Land proposed to be taken as described in the foregoing Order is the following; and the number in column 1 refers to that on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description of Property.	Owner.	Lessee.	Occupier.	20
1	Grass land, containing 1A. 2R. 0P.	Sir Robert Wilmot	- - - - -	William Bowmer.	

LITHERLAND.

*Provisional Order for extending the Borrowing Powers of the
Litherland Local Board.*

WHEREAS the Local Board for the district of Litherland in the county of
5 Lancaster propose to carry out, under the provisions of the Local Government
Act, 1858, works of a permanent nature within their district, but the sum
that will be required to carry out the said works will, with the loans already
sanctioned, exceed the assessable value for one year of the premises assessable
under the said Act within such district :

10 And whereas the said Board have now, under the authority of the 78th
section of the Local Government Act, 1858, petitioned me, as one of Her
Majesty's Principal Secretaries of State, to extend the limit of borrowing power
for the carrying out of the said works to an amount, not exceeding 4,000*l.*,
which sum, when added to the sums of which the borrowing has been already
15 sanctioned under the said Act, will not exceed in the whole two years' assess-
able value of the premises assessable under the said Act within the District :

And whereas, after due inquiry and report by Robert Morgan, Esquire,
the inspector appointed by me for the purpose, I am of opinion that the prayer
of such petition should be granted, but the same cannot be done without the
20 consent of Parliament :

Now, therefore, in pursuance of the power vested in me as one of Her
Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this
Provisional Order under my hand, direct as follows :—

That from and after the passing of any Act of Parliament confirming this
25 present Order—

The Local Board for the district of Litherland in the county of Lancaster
shall have power to borrow for the execution of the aforesaid works, on
mortgage of the rates leviable by the said Local Board under the afore-
said Act, such sums as they may from time to time be authorized by the
30 sanction of the Secretary of State to borrow, up to the amount of 4,000*l.*,
which sum, when added to the amounts of the loans already sanctioned
by him, will not exceed in the whole two years' assessable value of the
premises assessable under such Act within the aforesaid district; the
whole of such sums to be repaid, with interest thereon, within a period
35 of fifty years from the date of the borrowing thereof.

Given under my hand this twenty-second day of February one
thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

PORTSMOUTH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Borough of Portsmouth Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvement.

5

WHEREAS the Local Board in and for the district of the borough of Portsmouth, in the county of Hants, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required for the improvement of Golden Lion Lane within their district :

10

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

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Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

30

That from and after the passing of any Act of Parliament confirming this Order—

1. The Local Board for the district of the borough of Portsmouth, in the county of Hants, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, for the purpose herein-before set forth and described.

35

Given under my hand this eighth day of April one thousand eight hundred and sixty-nine.

40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in foregoing Order are the following ;
and the numbers in column 1 refer to those on the plan accompanying the petition of the
Local Board aforesaid.

5	No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
	1	House and yard - -	George King - -	- - - -	Leonard Loth.
10	2	St. Thomas' Arms, beer-house and yard.	George King - -	William Friend Feltham	Henry James.
	3	House, yard, and outhouse	George King - -	William Friend Feltham	Charles Holmes.
	4	House, shop, and yard - -	John Bonham Carter, M.P., Henry Carter, Thomas Wren Carter, George Carter Eveleigh.	- - - -	William Roper.
15	5	Vacant land and sheds - -	John Bonham Carter, M.P., Henry Carter, Thomas Wren Carter, George Carter Eveleigh.	- - - -	Unoccupied.
20	6	House, yard, and outhouses	William Hawkins Gar- rington, Herbert Allen, Jane Gain, and Eliza- beth Hall, trustees of the estate of the late Herbert Allen, deceased, Thomas Martin solicitor, and William David King receiver, in the suit in Chancery of Winkworth v. Allen.	- - - -	William Barron.
	7	" " "		- - - -	Mary Craft.
	8	" " "		- - - -	James Ayling.
25	9	" " "		- - - -	George Hopkins.
	10	" " "		- - - -	John Chickratt.
	11	" " "	Thomas Martin solicitor, and William David King receiver, in the suit in Chancery of Winkworth v. Allen.	- - - -	John Smith.
30	12	Stable and yard -		- - - -	Charles James Cullingworth.
	13	Room over entrance to Golden Lion Yard and yard.	- - - -	- - - -	Unoccupied.
35	14	House, yard, and outhouse -	Joseph Diaper - -	- - - -	Maria Dittman.
	15	House and shop - -	Emanuel Emanuel - -	Henry Lewis - -	Thomas Lewis.
40	16	Land forming a portion of St. Thomas' Churchyard.	Rev. Godfrey Bolles Lee, M.A., Warden of St. Mary College of Winchester near Winchester, and the scholars clerks of the same college, and the Rev. Edward Pearce Grant, vicar.	- - - -	Rev. Edward Pearce Grant, vicar, Richard William Bradley and William Swainson, churchwardens.
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A.D. 1869.

ROCHDALE.

*Provisional Order repealing and altering Parts of a Local Act
in force within the Town and Borough of Rochdale.*

WHEREAS the Council of the town and borough of Rochdale, in the county palatine of Lancaster, in which the 77th and 78th sections of the Local Government Act, 1858, and the 19th section of the Local Government Act (1858) Amendment Act, 1861, are in force, by adoption of the same in pursuance of the 15th section of the said Local Government Act, 1858, have, in pursuance of the said last-mentioned Act, presented a petition to the Right Honorable Gathorne Hardy, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of parts of the Rochdale Improvement Act, 1853, herein-after called the Local Act, and having relation to the purposes of the said Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and for power to borrow any sum or sums not exceeding two years' assessable value of the premises assessable within the limits of the said Rochdale Improvement Act, 1853, or within the district in respect of which sums may be borrowed, such sum so to be borrowed, together with the amount of the mortgages now due and owing under such last-mentioned Act, to be repaid within fifty years :

And whereas the mayor, aldermen, and burgesses of the said town and acting by the Council of such town and borough, in execution of the said Local Act, have contributed to, purchased, or executed, and propose to contribute to, purchase, and execute, permanent works the cost of which exceeds, or is estimated to exceed, one year's assessable value of the premises assessable to the said Local Act within the said borough :

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said borough in respect of the matters mentioned in the said petition, and report made to me thereon by Robert Morgan, Esq., the inspector appointed for that purpose :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The 42nd section of the said Local Act and the sections of the Commissioners Clauses Act, 1847, with relation to the audit of accounts, incorporated with the said Local Act, being the 92nd, 93rd, and 94th sections of the said Commissioners Clauses Act, shall, so far as the same relate to the said borough, be and the same are hereby repealed.
- 2.—The accounts of the said mayor, aldermen, and burgesses, acting by the Council of the said town and borough in the execution of the said Local

Act, shall be audited by the same persons and in the same manner as the accounts of the said mayor, aldermen, and burgesses under the Municipal Corporations Acts.

A.D. 1869.

- 5 3.—The sections of the said Local Act numbered respectively 148 and 151 shall be and the same are hereby repealed.
- 10 4.—The mayor, aldermen, and burgesses of the said town and borough acting by the Council of such town and borough in execution of the said Local Act, and for the purposes thereof, shall be and they are hereby empowered, with the sanction of one of Her Majesty's Principal Secretaries of State, to borrow or re-borrow, on mortgage of the rates, rents, profits, and other monies arising or accruing under or by virtue of the said Local Act, such a sum or sums of money as, with the sums already borrowed under and for the purposes of the said Local Act and now due and owing by them, shall not exceed in the whole two years' assessable value of the premises assessable under the said Local Act.
- 15 5.—The monies now owing on mortgages under the said Local Act shall be repaid, with interest thereon, within a period of fifty years, and the sum or sums to be borrowed under the powers of this Order shall be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.
- 20 6.—Nothing in this Order contained shall in any way affect or impugn the rights and securities of the mortgagees under the said Local Act, but the said mortgagees shall have all the powers in relation to the mortgages held by them under the said Local Act as they have or had by law at the date of this Order.
- 25

Given under my hand this ninth day of April one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

RYDE.

30 *Provisional Order for extending the Borrowing Powers of the Ryde Local Board.*

35 WHEREAS the Local Board for the district of Ryde, in the Isle of Wight in the county of Southampton, propose to carry out, under the provisions of the Local Government Act, 1858, works of sewerage and street improvements within their district, but the sum that will be required to carry out the said works will, with the loans already sanctioned, exceed the assessable value for one year of the premises assessable under the said Act within such district:

40 And whereas the said Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her
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A.D. 1869. Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works of sewerage to an amount not exceeding 5,000*l.*, and for street improvements to an amount not exceeding 1,000*l.*, which sums, when added to the sums of which the borrowing has been already sanctioned under the said Act, will not exceed in the whole two years' 5 assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the 10 consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this 15 present Order,—

The Local Board for the district of Ryde in the county of Southampton shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the 20 sanction of the Secretary of State to borrow, up to the amount of 5,000*l.* for sewerage works, and of 1,000*l.* for street improvements; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this twelfth day of April one thousand eight 25 hundred and sixty-nine.

(Signed) H. A. BRUCE.

WORTHING.

Provisional Order providing for the future execution and partial repeal and alteration of a certain Local Act in force within the 30 District of Worthing in the County of Sussex.

WHEREAS the Local Board of Health for the district of Worthing, in the county of Sussex, have, in pursuance of the provisions of the 77th section of the Local Government Act, 1858, and after complying with the requirements of that section, by duly giving and serving all notices thereby directed, 35 presented a petition to me, the Right Honorable Henry Austin Bruce, one of Her Majesty's Principal Secretaries of State, for a Provisional Order to partially repeal, alter, and provide for the future execution within the said district of a Local Act in force within the said district and having relation to

the purposes of the Local Government Act, and not conferring powers or privileges on any corporation, company, undertakers, or individuals for their own pecuniary benefit, passed in the 7th year of the reign of King George the Fourth, and intituled "An Act for making and maintaining a Turnpike

- 5 " Road from Worthing to Lancing in the county of Sussex, and groynes, " embankments, and other sea defences for protecting such road and the lands " adjoining from the future encroachments of the sea :"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the several matters mentioned
10 in the said petition, and held by Robert Morgan, Esq., the Inspector appointed for the purpose, and he has reported to me thereon :

And whereas it appears by the said petition, as well as by the report of the said Inspector, that great damage has been caused to property within the said district, and to a certain turnpike road within the said district leading from
15 Warwick Buildings, in the town of Worthing, in the county of Sussex, to the Horse Shoes Inn, in the parish of Lancing, in the said county, by reason of the encroachment of the sea, and it is apprehended that, unless the necessary works of protection are forthwith constructed on the sea-shore, large tracts of land within the said district will be submerged by the sea, and
20 further loss and damage will be occasioned to the owners of property and inhabitants of the said district :

And whereas it has appeared to me expedient to issue a Provisional Order in relation to the matters aforesaid, but no such Order can be valid without confirmation by Parliament :

25 Now, therefore, in pursuance of the powers vested in me by the Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1. The powers of the trustees appointed and acting under the said Turnpike Act shall cease, and all such powers as shall not be affected by
30 this Provisional Order shall vest in and be exercised by the Local Board of Health for the district of Worthing aforesaid, as fully and effectually as if the said board were trustees appointed under the said Act, and all money, goods, materials, property, and other effects, matters, and things belonging to or vested in the said trustees, at
35 the time when their powers shall cease, shall vest in and belong to the said Local Board of Health, and the said board shall thereupon become liable for all debts of the said trustees incurred under the said Act, whether upon contract or otherwise, except the mortgage debt herein-after mentioned : Provided that the Local Board shall not be
40 required to keep the accounts relating to the said road and sea defences in manner directed by the General Turnpike Acts, but in the manner directed by the Public Health Act.

2. In any proceeding taken by or against the said Local Board of Health under the said Act of the 7th Geo. 4. c. 10., it shall be sufficient to
45 describe the said Local Board by their corporate name.

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3. The 3rd, 4th, 5th, 6th, 11th, 17th, 18th, 22nd, 24th, 48th, 49th, 50th, 51st, 52nd, 53rd, 56th, and 57th sections of the said Act of the 7th Geo. 4. c. 10. shall be and the same are hereby repealed. And the said Act, so far as the same relates to the lands comprised in schedule C. to the said Act, shall be and the same is hereby wholly 5 repealed.
4. The district of the said Local Board of Health for the purposes of the said Act of the 7th Geo. 4. c. 10., so far as the same is not repealed by this Provisional Order, shall, as to sea defences, extend to the second groyne on the east side of the sluice at Sea Mills Bridge; the said 10 groyne being about 120 yards eastward of the district of Worthing, as constituted under the Public Health Act, 1848, but not to the first groyne on the east side of the Shops Dam in the parish of Lancing, as mentioned in the 19th section of the said Act of the 7th Geo. 4. c. 10.; and as to the rates leviable under the 32nd section of the said Act 15 of the 7th Geo. 4. c. 10. shall extend to and include all the lands mentioned in schedule B. of the said Act.
5. For the purpose of enabling the said Local Board to defray the expenses of repairing, remaking, and maintaining the portion of the said turnpike road within their district, and the embankment across or over or along 20 the sea beach for protecting the said road and lands, and effectually to protect and defend the same and the lands adjoining and adjacent thereto from encroachments of the sea, by means of groynes, embankments, drains, bridges, sluices, and other sea defences, in addition to the assessment rate and tax authorized by the said Act of the 7th Geo. 4. 25 c. 10., as amended by this Act, to be assessed, raised, and levied by the said Local Board, there shall be assessed, raised, and levied by the said Local Board, at a meeting to be holden for that purpose on the first Monday in the month of October in every year, upon the owners of the lands set forth in the schedule hereto annexed, in addition 30 to all other rates to which the said lands are liable, a rate of ten shillings for every acre of the said lands belonging to them respectively, and so on in proportion for any less quantity than an acre.
6. All the enactments contained in sections 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 of the said Act of 7th Geo. 4. c. 10., with respect to the making 35 and levying the rates mentioned in section 32 of the said Act, shall apply to and extend to the levying by the said Local Board of the rate authorized by this Provisional Order to be levied upon the lands mentioned and set forth in the schedule hereto annexed, as fully and effectually as if such rate were a rate authorized to be levied under 40 section 32 of the said Act.
7. Provided always, that whenever any of the lands mentioned and set forth in the said schedule shall be built upon or become liable to be assessed to the general district rate of the said district at the full amount of such rate, the power of the said Local Board to assess and levy the said 45 additional rate of ten shillings per acre on the said lands shall cease and determine: Provided further, that the owners or proprietors of lands

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mentioned and set forth in the said schedule used as market gardens shall, at their option respectively, duly signified in writing under their respective hands to the said Local Board, in lieu of the occupiers of the said market gardens, be assessed either at the full amount of the general district rate authorized to be levied upon the owners or occupiers of houses within the said district, or at the proportionate amount of rate authorized by section 55 of the Local Government Act, 1858, to be assessed upon land used as market gardens, but in the last-mentioned case the owners or proprietors of the land so used as market gardens shall also be liable to be assessed to the rate of ten shillings per acre hereby authorized to be levied upon all other lands mentioned in the said schedule hereto.

8. The said Local Board may defray out of their general district rates any charges and expenses incurred by them for any of the purposes of this Provisional Order (except the redemption of the said mortgage debt, or payment of any interest thereon) or incurred by them in erecting, repairing, or maintaining any groynes, embankments, and other sea defences for protecting and defending any part of the district of the said Local Board from encroachments of or injury by the sea, and the said Local Board may make in manner directed by the Public Health Act, 1848, byelaws for regulating and preventing the removal of boulder stones, beach gravel, sea weed, soil, marl, stones, flints, and sand from the sea-shore within the limits of the said district, and inflicting fines for the infringement of such regulations.

9. In addition to the powers conferred by the said Act of the 7th Geo. 4. c. 10., the said Local Board may, for the purpose of defraying the costs, charges, and expenses incurred or to be incurred by the said Local Board in the execution of such works as are mentioned in section 19 of the said Act of the 7th Geo. 4. c. 10., borrow and take up at interest on the credit of the rates and tolls authorized to be assessed and levied by the said Act and by this Provisional Order and their general district rates any sum or sums of money the borrowing of which may be sanctioned by one of Her Majesty's Principal Secretaries of State; and for the purpose of securing the repayment of the sums so borrowed by them under the said Act or this Provisional Order the said board may mortgage, to the person or persons by or on behalf of whom such sums are advanced, the rates and tolls aforesaid; and all the provisions contained in the Public Health Act, 1848, and the Local Government Act, 1858, and any Act or Acts amending the said Acts, with respect to the mortgage of rates and tolls by Local Boards of Health, shall extend and apply to the mortgage of rates under the said Act of the 7th Geo. 4. c. 10. and this Provisional Order, as fully and effectually as if the said provisions were contained in the said Act or in this Provisional Order.

10. Whereas the trustees acting under the said Act under the powers of the said Act did borrow and take up at interest upon mortgage on the credit of the tolls and rates or assessments arising by virtue of the said Act the sum of 7,405*l.* 10*s.*, and no part of the said sum has been repaid to the

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lenders thereof, and the accumulated interest now due and owing by the said trustees in respect thereof amounted up to the 3rd day of October last to the sum of 11,799*l.* 9*s.* 7*d.*: And whereas the tolls and rates authorized to be taken, demanded, and received by the said trustees under the said Act have heretofore been insufficient to defray the costs and expenses which are a first charge under the said Act upon the said tolls and rates: And whereas, by reason of the altered circumstances of the district, and the traffic having been diverted from the said turnpike road by railways and otherwise, the tolls and rates levied thereon have been for many years past and are likely to continue wholly insufficient to meet the annual costs and expenses which are a first charge under the said Act upon the said tolls and rates, and there is no likelihood that the said trustees, if their powers were to be continued, or the said Local Board, under the powers and authorities hereby given to them, would ever derive from the said tolls and rates an amount sufficient to redeem the said mortgage debt of 7,405*l.* 10*s.*, or to pay the interest thereon, and it is expedient to facilitate arrangements with the holders of the bonds or mortgage securities issued under the said Act for the redemption of the same: It shall therefore be lawful for the said Local Board of Health, at a meeting to be specially summoned for the purpose, after at least twenty-one days notice of the intention to hold such meeting in some newspaper usually circulated in the county of Sussex, to resolve that, in case such consents as herein-after mentioned of the mortgagees be obtained, the rate of interest on the mortgage debts charged or secured on the said tolls and rates shall be reduced to such amount as may be resolved at such meeting, and the arrears of the interest on such debt shall be extinguished, or for either of such purposes. When any such resolution is carried, the said Local Board of Health shall cause notice to be given by advertisements or otherwise of such resolution, with such information in relation to the matter of the proposed application, and the consents herein-after mentioned, as such Local Board of Health may think fit. If the persons entitled to two-thirds of the money charged or secured on the tolls and rates aforesaid, and remaining unpaid, have signified in writing under their hands their consent to the proposed application, it shall be lawful for such Local Board of Health to make an application to one of Her Majesty's Principal Secretaries of State for a Provisional Order under any of the Acts of Parliament in force relating to turnpike trusts, for such reduction as aforesaid of the rate of interest on the said debts, and for extinguishing in whole or in part the arrears of interest thereon, or for either of such purposes; and such application shall be under the seal of the said Local Board of Health, who shall therein certify that the consents required as aforesaid to such application have been given.

11. All executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who as such are for the time being entitled to any money charged or secured on the tolls and rates aforesaid, may consent to any such application as aforesaid, as fully as if they respec-

tively were so entitled in their own right discharged of all trusts in respect thereof, and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing.

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- 5 12. From and after the date of the passing of any Act of Parliament confirming such Provisional Order, the rate of interest therein specified shall be paid by the said Local Board of Health out of the rates authorized to be levied under the said Act of the 7th Geo. 4. c. 10., upon the said principal sum of 7,405*l.* 10*s.*, to the persons entitled to the same (subject, nevertheless, to the prior discharge of the prior charges upon the same).
- 10
13. The said Local Board may, when and as they may think fit, after the passing of any Act of Parliament confirming the said Provisional Order redeem the said mortgage debt of 7,405*l.* 10*s.*, or any part thereof, at and after the rate of 20 years' purchase of the amount of interest payable thereon under such Provisional Order, and on payment of 20 years' purchase of the amount of interest as aforesaid, the said debt of 7,405*l.* 10*s.*, or part thereof, as aforesaid, shall be wholly extinguished.
- 15
14. All executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics who as such are for the time being entitled to any money charged on the tolls and rates aforesaid, are hereby empowered to accept and give a discharge to the said Local Board of Health for any payment made by such Board to them or either of them.
- 20
15. The owners and occupiers of the lands mentioned, set forth, and described in schedule B. to the said Act of the 7th Geo. 4. c. 10. shall be entitled to vote in the elections of members of the said Worthing Local Board of Health, in like manner as they would be so entitled to vote if the said lands were included for all purposes within the district of the said Local Board: Provided always, that the number of votes which each such owner and occupier respectively shall be entitled to give at any such election shall be computed with reference to the amount of rate which such owner and occupier shall have paid during the year ended the 25th March next preceding the election; and for the said computation every shilling so paid shall be reckoned as five shillings rateable value upon which the number of votes is to be computed.
- 25
- 30
- 35

Given under my hand, at Whitehall, this eighth day of April
one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

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The SCHEDULE referred to in the preceding Order.

No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
1 } 2 } 3 }	Gatehouse, Charles, Devises of	Part of East Field	38 0 20 5
5	Wyatt, George Snow	Ditto	3 0 0
6	Tribe, William Foard	Ditto	7 2 37
7	Newland, Harry, Devises of	Ditto	5 3 19
8	Ditto	Part of Old Brickyard	0 3 25 10
10	Ditto	Part of East Field	3 0 38
11	Ditto	Ditto	1 2 10
12, 13	Land Improvement Company, Limited.	Forty Acres	41 2 32
14	Trustees, Poor's, 10 acres	Part of Poor's Ten Acres	8 1 30 15
15, 16	Mills, George Jonathan, and others	Bushby's Field	7 3 0
18	Newland, Robert	Mill Plot	0 3 16
21	Mills, George Jonathan, and others	Part of 11th Allotment	7 2 13
24	Mills, George Jonathan, and John Howell.	Part of Allotment	7 0 0 20
25	Ditto	Part of Allotment	7 0 0
26, 27	Land Improvement Company, Limited.	Cook's Barn Field	11 1 0
28	Gannon, Edward Michael	Meadow	3 1 18
29	Ditto	Gardens	4 0 0 25
32	Green, Melvill	Sea Pasture	0 2 0
36	Shelley, Sir Percy Florence, Bart.	Part of 6th Allotment	5 0 22
37	Milton, Lucy	Garden	2 0 4
38 } 38a } 39 }	Ditto	Part of Garden and Meadow	1 0 29 30
41	Heather, Charles Hersee	Part of Meadow	2 3 12
42, 43	Williams, Harry James Lewis	Part of Pasture, part of West Field	7 2 20
44 } 45 } 46 }	Griffiths, Harry	Nursery Gardens	5 1 37 35
47	Roe, Sir Frederick Adair, Bart., Devises of.	The Lawn	10 0 0
48a	Tribe, William	Garden	0 0 30 40
48	Gannon, Edward Michael	Plot	1 0 2
49	Ditto	Garden	1 1 8
50	Ditto	Meadow	2 3 12
108	Williams, Harry James Lewis	Part of Meadow	1 3 22
109	Stanford, Ann	Ditto	3 0 0 45
30	Rock, James	Part of Alexandra Estate	
		Building Plot, No. 1	0 0 12
"	Howell, John	Ditto	0 0 8
"	Ditto	Ditto	0 0 8
"	Ditto	Ditto	0 0 8
"	Ditto	Ditto	0 0 8 50
"	Ditto	Ditto	0 0 8
"	Hillier, James	Ditto	0 0 8

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No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
5	30 Howell, John - - - -	Part of Alexandra Estate Building Plot, No. 8	0 0 8
"	" Ditto - - - -	Ditto - - - 9	0 0 8
"	" White, Edwin - - - -	Ditto - - - 10	0 0 8
"	" Ditto - - - -	Ditto - - - 11	0 0 9
"	" Langridge, W. E. - - - -	Ditto - - - 12	0 0 9
10	" Ditto - - - -	Ditto - - - 13	0 0 9
"	" Cripps, Frederick - - - -	Ditto - - - 14	0 0 10
"	" Ditto - - - -	Ditto - - - 15	0 0 10
"	" Hillier, James - - - -	Ditto - - - 16	0 0 11
"	" Ditto - - - -	Ditto - - - 17	0 0 11
15	" Patching, Frederick - - - -	Ditto - - - 18	0 0 18
"	" Ditto - - - -	Ditto - - - 19	0 0 18
"	" White, Edwin - - - -	Ditto - - - 20	0 0 18
"	" Jenner, William - - - -	Ditto - - - 21	0 0 18
"	" White, Edwin - - - -	Ditto - - - 22	0 0 18
20	" Ditto - - - -	Ditto - - - 23	0 0 18
"	" Tribe, William Foard - - - -	Ditto - - - 24	0 0 18
"	" Ditto - - - -	Ditto - - - 25	0 0 18
"	" Ditto - - - -	Ditto - - - 26	0 0 26
"	" Ditto - - - -	Ditto - - - 27	0 0 26
25	" Howell, John - - - -	Ditto - - - 28	0 0 26
"	" Ditto - - - -	Ditto - - - 29	0 0 26
"	" Rock, James - - - -	Ditto - - - 30	0 0 25
"	" Ditto - - - -	Ditto - - - 31	0 0 25
"	" Ditto - - - -	Ditto - - - 32	0 0 24
30	" Ditto - - - -	Ditto - - - 33	0 0 24
"	" White, Edwin - - - -	Ditto - - - 34	0 0 15
"	" Ditto - - - -	Ditto - - - 35	0 0 15
"	" Weston, Oliver - - - -	Ditto - - - 36	0 0 14
"	" Rock, James - - - -	Ditto - - - 37	0 0 13
35	" Ditto - - - -	Ditto - - - 38	0 0 13
"	" Howell, John - - - -	Ditto - - - 39	0 0 12
"	" Ditto - - - -	Ditto - - - 40	0 0 12
"	" Ditto - - - -	Ditto - - - 41	0 0 11
"	" Ditto - - - -	Ditto - - - 42	0 0 11
40	" Ditto - - - -	Ditto - - - 43	0 0 11
"	" Ditto - - - -	Ditto - - - 44	0 0 11
"	" Rock, James - - - -	Ditto - - - 45	0 0 10
"	" Howell, John - - - -	Ditto - - - 46	0 0 10
"	" Ditto - - - -	Ditto - - - 47	0 0 10
45	" Ditto - - - -	Ditto - - - 48	0 0 10
"	" Ditto - - - -	Ditto - - - 49	0 0 9
"	" Ditto - - - -	Ditto - - - 50	0 0 9
"	" Ditto - - - -	Ditto - - - 51	0 0 16
"	" Smith, James Norton, Devisees of - - - -	Ditto - - - 52	0 0 8
50	" Ditto - - - -	Ditto - - - 53	0 0 8
"	" Hillier, William - - - -	Ditto - - - 54	0 0 8
"	" Ditto - - - -	Ditto - - - 55	0 0 8
"	" Ditto - - - -	Ditto - - - 56	0 0 8
"	" Rock, James - - - -	Ditto - - - 57	0 0 8
55	" Ditto - - - -	Ditto - - - 58	0 0 8
"	" Bourne, Frederick William - - - -	Ditto - - - 59	0 0 8
"	" Greenfield, Walter - - - -	Ditto - - - 60	0 0 8
"	" Crome, Samuel - - - -	Ditto - - - 61	0 0 8
"	" Meadows, George - - - -	Ditto - - - 62	0 0 8
60	" Ditto - - - -	Ditto - - - 63	0 0 8

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No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
30	Howell, John	Part of Alexandra Estate Building Plot, No. 64	0 0 8 5
"	Ditto	Ditto - 65	0 0 8
"	Ditto	Ditto - 66	0 0 8
"	Ditto	Ditto - 67	0 0 8
"	Ditto	Ditto - 68	0 0 8
"	Ditto	Ditto - 69	0 0 8 10
"	Bourne, Frederick William	Ditto - 70	0 0 8
"	Rock, James	Ditto - 71	0 0 7
"	Ditto	Ditto - 72	0 0 7
"	Ridley, Samuel	Ditto - 73	0 0 7
"	Crome, Samuel	Ditto - 74	0 0 7 15
"	Jenner, William	Ditto - 75	0 0 7
"	Ditto	Ditto - 76	0 0 7
"	Rock, James	Ditto - 77	0 0 7
"	Ditto	Ditto - 78	0 0 7
"	Patching, Edward	Ditto - 79	0 0 7 20
"	Ditto	Ditto - 80	0 0 7
33,	Sayer, John Last	Part of Selden Estate	
34,		Building Plot, No. 1	0 0 3
35 }		Ditto - 2	0 0 3 25
"	Ditto	Ditto - 3	0 0 3
"	Green, Melvill	Ditto - 4	0 0 3
"	Ditto	Ditto - 5	0 0 3
"	Ditto	Ditto - 6	0 0 3
"	Ward, John	Ditto - 7	0 0 3 30
"	Ditto	Ditto - 8	0 0 5
"	Green, Melvill	Ditto - 9	0 0 16
"	Collins, Benjamin John	Ditto - 10	0 0 16
"	Ditto	Ditto - 11	0 0 16
"	Ditto	Ditto - 12	0 0 16 35
"	Hillier, William	Ditto - 13	0 0 16
"	Ditto	Ditto - 14	0 0 16
"	Ditto	Ditto - 15	0 0 16
"	Tribe, William Foard	Ditto - 16	0 0 16
"	Ditto	Ditto - 17	0 0 16 40
"	Ditto	Ditto - 18	0 0 16
"	Green, Melvill	Ditto - 19	0 0 18
"	Ditto	Ditto - 20	0 0 18
"	Wood, Frank	Ditto - 21	0 0 19
"	Howell, John	Ditto - 22	0 0 21 45
"	Ditto	Ditto - 23	0 0 21
"	Ditto	Ditto - 24	0 0 21
"	Truefitt, George	Ditto - 25	0 0 16
"	Ditto	Ditto - 26	0 0 15
"	Cook, Charles C.	Ditto - 27	0 0 19 50
"	Odell, Richard Davis	Ditto - 28	0 0 4
"	Ditto	Ditto - 29	0 0 4
"	Ditto	Ditto - 30	0 0 4
"	Plowman, Edwin	Ditto - 31	0 0 4
"	Laurie, William Henry	Ditto - 32	0 0 4 55
"	Sayer, John Last	Ditto - 33	0 0 4
"	Greenfield, Walter	Ditto - 34	0 0 4
"	Ditto	Ditto - 35	0 0 4
"	Ditto	Ditto - 36	0 0 4
"	Ditto	Ditto - 37	0 0 4 60

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No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
5	33, } 34, } 35 }	Green, Melvill - - - - -	Part of Selden Estate, Building Plot, No. 38
"	"	Ditto - - - - -	Ditto - - - 39
"	"	Ditto - - - - -	Ditto - - - 40
"	"	Ditto - - - - -	Ditto - - - 41
10	"	Longhurst, Walter - - - - -	Ditto - - - 42
"	"	Ditto - - - - -	Ditto - - - 43
"	"	Ditto - - - - -	Ditto - - - 44
"	"	Collins, Benjamin John - - - - -	Ditto - - - 45
"	"	Tribe, William Foard - - - - -	Ditto - - - 46
15	"	Sayer, Robert - - - - -	Ditto - - - 47
"	"	Ditto - - - - -	Ditto - - - 48
"	"	Odell, Richard Davis - - - - -	Ditto - - - 49
"	"	Smith, William Wenban - - - - -	Ditto - - - 50
"	"	Ditto - - - - -	Ditto - - - 51
20	"	Howell, John - - - - -	Ditto - - - 52
"	"	Ditto - - - - -	Ditto - - - 53
"	"	Green, Melvill - - - - -	Ditto - - - 54
"	"	Ditto - - - - -	Ditto - - - 55
"	"	Greenfield, Walter - - - - -	Ditto - - - 56
25	"	Longhurst, Walter - - - - -	Ditto - - - 66
"	"	Ditto - - - - -	Ditto - - - 67
"	"	Ditto - - - - -	Ditto - - - 68
"	"	Green, Melvill - - - - -	Ditto - - - 69
"	"	Ditto - - - - -	Ditto - - - 70
30	"	Mills, George Jonathan - - - - -	Ditto - - - 71
"	"	Howard, William Joseph - - - - -	Ditto - - - 72
"	"	Howell, John - - - - -	Ditto - - - 73
"	"	Ditto - - - - -	Ditto - - - 74
"	"	White, Edwin - - - - -	Ditto - - - 75
35	"	Ditto - - - - -	Ditto - - - 76
"	"	Ditto - - - - -	Ditto - - - 77
"	"	Hide, Charles - - - - -	Ditto - - - 78
"	"	Ditto - - - - -	Ditto - - - 79
"	"	Ditto - - - - -	Ditto - - - 80
40	"	White, Edwin - - - - -	Ditto - - - 81
"	"	Tribe, William Foard - - - - -	Ditto - - - 84
"	"	Green, Melvill - - - - -	Ditto - - - 85
"	"	Ditto - - - - -	Ditto - - - 86
"	"	Ditto - - - - -	Ditto - - - 87
45	"	Plowman, Edwin - - - - -	Ditto - - - 88
"	"	Laurie, William Henry - - - - -	Ditto - - - 89
"	"	Baker, James - - - - -	Ditto - - - 90
"	"	Ditto - - - - -	Ditto - - - 91
"	"	Ditto - - - - -	Ditto - - - 92
50	"	Howell, John - - - - -	Ditto - - - 93
"	"	Ditto - - - - -	Ditto - - - 94
"	"	Howard, William and Joseph - - - - -	Ditto - - - 95
"	"	Ditto - - - - -	Ditto - - - 96
"	"	Cook, Charles Christopher - - - - -	Ditto - - - 99
55	"	Greenfield, Walter - - - - -	Ditto - - - 100
"	"	White, Edwin - - - - -	Ditto - - - 201
"	"	Baker, James - - - - -	Ditto - - - 102
"	"	Ditto - - - - -	Ditto - - - 103
40	"	Cook, Charles Christopher - - - - -	Part of Home Field Building Plot, No. 21
60	"	Hillier, William - - - - -	Ditto - - - 22

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No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
40	Hillier, William - - -	Part of Home Field	
		Building Plot, No. 23	0 1 2 5
"	Mills, George Jonathan - -	Ditto - - - 24	0 0 36
"	Gausden, Charles Henry - -	Ditto - - - 25	0 0 35
"	Sayer, Robert - - -	Ditto - - - 26	0 0 39
"	Patching, William - - -	Ditto - - - 27	0 1 6
"	Cook, Christopher - - -	Ditto - - - 28	0 1 9 10
"	Wyatt, George Snow - - -	Ditto - - - 29	0 1 17
"	Piggott, Rev. Francis Allen -	Ditto - - - 32	0 1 25
"	Ditto - - -	Ditto - - - 33	0 1 17
"	Ditto - - -	Ditto - - - 34	0 0 30
"	Ditto - - -	Ditto - - - 35	0 0 29 15
"	Ditto - - -	Ditto - - - 36	0 0 30
"	Odell, Richard - - -	Ditto - - - 37	0 0 31
"	Winchester, Richard - - -	Ditto - - - 38	0 0 34
"	Ditto - - -	Ditto - - - 39	0 0 36
"	Tribe, William Foard - - -	Ditto - - - 40	0 0 37 20
"	Patching, William - - -	Ditto - - - 41	0 0 38
"	Sayer, John Last - - -	Ditto - - - 42	0 0 38
"	Ditto - - -	Ditto - - - 43	0 0 37
"	Mills, George Jonathan - -	Ditto - - - 44	0 0 36
"	Ditto - - -	Ditto - - - 45	0 3 1 25
51	Green, Melvill - - -	Part of Farncombe Park	
		Estate Building Plot,	
		No. 1.	0 0 21
"	Ditto - - -	Ditto - - - 2	0 0 21
"	Ditto - - -	Ditto - - - 3	0 0 35 30
"	Hillier, William - - -	Ditto - - - 8	0 0 36
"	Newcombe, William Prout -	Ditto - - - 9	0 0 34
"	Patching, William - - -	Ditto - - - 10	0 1 3
"	Potter, William - - -	Ditto - - - 11	0 1 30
"	Green, Melvill - - -	Ditto - - - 19	0 1 8 35
"	Patching, William - - -	Ditto - - - 20	0 1 2
"	Newcombe, Samuel Prout -	Ditto - - - 21	0 1 1
"	Ditto - - -	Ditto - - - 22	0 1 1
"	Ditto - - -	Ditto - - - 23	0 1 1
"	Patching, Frederick - - -	Ditto - - - 24	0 1 13 40
"	Hillier, James - - -	Ditto - - - 25	0 0 26
"	Tribe, William Foard - - -	Ditto - - - 26	0 0 28
"	Ditto - - -	Ditto - - - 27	0 0 21
"	Ditto - - -	Ditto - - - 28	0 0 21
"	Giffard, Henry Salmon - -	Ditto - - - 29	0 0 35 45
"	Farncomb, Edward - - -	Ditto - - - 30	0 1 25
"	Green, Melvill - - -	Ditto - - - 31	0 1 14
"	Meadows, James - - -	Ditto - - - 32	0 1 2
"	Ditto - - -	Ditto - - - 33	0 0 32
"	Longhurst, Walter - - -	Ditto - - - 34	0 0 32 50
"	Chinnock, Robert William, assignees of.	Ditto - - - 35	0 0 34
"	White, Edwin - - -	Ditto - - - 36	0 1 6
"	Longhurst, Walter - - -	Ditto - - - 37	0 0 17
"	Ditto - - -	Ditto - - - 38	0 0 17 55
"	Giffard, Henry Salmon - -	Ditto - - - 39	0 0 17
"	Mills, George Jonathan - -	Gardens, &c. - - -	1 0 0

Local Government Supplemental.

A

B I L L

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bournemouth, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes relative to certain districts under that Act.

*(Prepared and brought in by
Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.)*

*Ordered, by The House of Commons, to be Printed,
21 April 1869.*

[Bill 90.]

Under 5 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes relative to certain districts under that Act. A.D. 1869.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain provisional orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 **1.** The provisional orders contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act.

Provisional orders in schedule confirmed.

20 **2.** So much of the proviso to the first section of "The Local Government Act, 1868 (No. 6)," as refers to the clause numbered 2 in the provisional order for the district of Burton-upon-Trent, page 31, shall be and the same is hereby repealed, and such clause shall be read as if no reference had been made to it in the said proviso.

Partial repeal of sect. 1 of Local Government Act Amendment Act, 1868 (No. 6) so far as relates to Burton-upon-Trent.

25 **3.** Whereas on the seventh day of July one thousand eight hundred and sixty-eight Her Majesty was graciously pleased, under the powers and authorities conferred in that behalf by the statute of the fifth and sixth of William the Fourth, chapter seventy-six,

The council of Huddersfield to be the local board of Fartown and Dalton.

[Bill 155.]

A

A.D. 1869. entitled "An Act to provide for the regulation of municipal corporations in England and Wales," and of the statute seventh William the Fourth and first Victoria, chapter seventy-eight, entitled "An Act to amend an Act for the regulation of municipal corporations in England and Wales," to grant a charter of incorporation 5 to the inhabitants of the town of Huddersfield in the west riding of the county of York, as set forth in such charter: And whereas at the time of the granting of the said charter the Local Government Act, 1858, had been adopted within the districts of Bradley, Deighton, Mold Green, Almondbury, Newsome, Lockwood 10 Marsh, and Lindley-cum-Quarmby, which are within the limits of the area incorporated by the said charter, and the powers, authorities, duties, properties, and liabilities of the local boards for the said districts have respectively ceased and determined, and have become vested in the council of the said borough: And whereas 15 there are situated within the incorporated area of the said borough of Huddersfield the hamlet of Fartown, and the district or division of Dalton (the latter being such part of the township of Dalton within the said borough as is not comprised within the limits of the Mold Green local board district), and the council of the said 20 borough of Huddersfield being desirous for the purpose of promoting the health and good government of the said hamlet of Fartown and district of Dalton, and of acquiring in and for the same respectively the powers of the Local Government Act, 1858, has accordingly, by resolutions of the council, duly passed at a 25 special meeting convened in accordance with the provisions of the said Act, adopted the said Act in and for the hamlet and district respectively: And whereas under the peculiar circumstances of the district now comprised within the said borough before the grant of the said charter of incorporation doubts have arisen respecting the 30 validity and effect of the adoption of the said Act in the hamlet and district last aforesaid, which doubts it is desirable to remove: Be it therefore enacted, that the mayor, aldermen, and burgesses of the said borough of Huddersfield, by the council of the said borough, shall be the local board for the hamlet or division of 35 Fartown and for the district or division of Dalton respectively, as districts under the Local Government Act, 1858, and that the said council shall have within the said districts respectively all powers and authorities which a local board may have and exercise in a district duly constituted under the Local Government Act, 1858. 40

The council
of Hudders-
field to be
the local

4. Whereas the local boards for the said several districts within the area of the said borough of Huddersfield have by force of the thirty-third section of the Public Health Act, 1848,

as amended by the twenty-sixth section of the Local Government Act, 1858, become merged and incorporated in the council of the said borough, and the said council has become for each such local board district the local board for the same, and now acts as
 5 such for each of such districts respectively, and keeps separate accounts and levies separate rates for each of such districts: And whereas pursuant to the powers and authorities in that behalf conferred by the Act of the twentieth and twenty-first Victoria, chapter fifty, the improvement commissioners constituted by the
 10 Huddersfield Improvement Act, 1848, have by deed transferred to the council of the said borough of Huddersfield all the rights, powers, estates, property, and liabilities of such commissioners: And whereas it is expedient and desirable that all the powers of the local boards of the said several districts and of the said
 15 improvement commissioners should be exercised by the council of the said borough in the name of the said council only, without adding any other designation whatsoever: Be it therefore enacted, that the said council shall be the local board of health for each of the districts comprised in the said borough, and shall or may
 20 in all matters and things in relation to each and any of the said districts, and in relation to the district and powers of the said Improvement Commissioners Act, be described by the name of the council of the borough of Huddersfield without any other designation whatsoever, and that the said council may, as, and
 25 when it thinks fit, appoint such and so many persons as it may deem necessary to be officers for carrying out all or any of the provisions of the Acts of Parliament applicable thereto respectively in all or any of the districts or divisions of the said borough for which the said council is constituted the local board, or is
 30 invested with the powers of the said improvement commissioners, and to remove at its pleasure all and any of such officers; and further that the said council may apportion and charge the salaries and expenses of all and any of such officers to the several districts or divisions aforesaid according to the rateable value of the pro-
 35 perty therein respectively, or otherwise as the said council shall deem fair and equitable.

5. Whereas the cost of the maintenance and protection from the encroachments of the sea of so much of the Worthing and Lancing turnpike road as lies within the district of Worthing, and is referred to in the Worthing provisional order in the schedule to this bill annexed, can no longer be defrayed by the trustees of the said turnpike road: And whereas the maintenance and protection from the sea of the said turnpike road and the lands

A.D. 1869.

board of all the districts comprised in the borough, and to exercise the powers of commissioners under the Local Improvement Act by the name of the council of the borough of Huddersfield.

So much of the Worthing and Lancing turnpike road as is within the district of Worthing to be a street within the meaning of the Public Health Act, 1848, and the portion of the

A.D. 1869.

said turnpike to the east of the said district to cease to be a turnpike and become a public highway repairable by the parish.

adjacent thereto is a necessary work for the safety of the said district : It is hereby enacted, that so much of the said turnpike road as is included in the said district shall be a street within the meaning of the second section of the Public Health Act, 1848, anything in that Act to the contrary notwithstanding, and that 5 the portion of the said turnpike lying to the eastward of the said district shall from the passing of this Act cease to be a turnpike road, and shall henceforth be a public highway repairable by the inhabitants of the parish within which the same is situated.

Restrictions on construction of works on the shore or bed of the sea.

6. The said local board of health shall not, in pursuance of the 10 powers conferred upon them by the said Worthing provisional order, construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of 15 the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade approve of, such approval being signified as last aforesaid; and when any such work shall have been constructed with such consent as aforesaid, the said local board of health shall not at any time alter or 20 extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such works shall be commenced or completed without such consent or approval, the said Board of Trade may abate and remove the same and restore the site thereof to its former condition, at the cost 25 of the said local board of health, and the amount of such costs shall be a debt due to the Crown, and recoverable against the said local board accordingly.

Deposit of plans and sections with clerk to local board.

7. Plans and sections of the proposed works shall be deposited, either before or not later than two days after the deposit at the 30 Board of Trade, for public inspection with the clerk to the local board of health for the district of Worthing, at his office at Worthing; and notice that such plans and sections with regard to works in the parish of Lancing shall be given, either before or not later than twenty-four hours after, to the overseers of the poor for the 35 parish of Lancing.

Saving rights of the Crown in shore or bed of the sea.

8. Nothing contained in this Order, or in the Act confirming the same, shall authorize the said local board of health to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any right in respect thereof belonging to the Queen's 40 most Excellent Majesty in right of her crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty, (which consent the Board of Trade may give); neither shall any-

thing in the said Order or Act contained extend to take away, pre- A.D. 1869.
 judice, diminish, or alter any of the estates, rights, privileges,
 powers, or authorities vested in, or enjoyable or exerciseable by
 the Queen's Majesty, her heirs or successors.

- 5 **9.** This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one. Act incor-
porated with
21 & 22 Vict.
c. 98.

- 10.** In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient Short title.
 10 to use the words and figures "The Local Government Supplemental Act, 1869."

SCHEDULE of Provisional Orders referred to in the preceding Bill.

- | | | |
|----|---|------------------------------|
| 15 | 1. BIDEFORD.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement. | |
| | 2. BOURNEMOUTH.—Altering a Local Act in force within the district. | |
| | 3. BOWNESS.—Alteration of boundaries of the district. | |
| | 4. BRISTOL.—Altering a Local Act in force within the district. | |
| | 5. CROYDON.— | Do. do. |
| 20 | 6. CROYDON.—Alteration of the number of members of the Local Board. | |
| | 7. FLEETWOOD.—Altering a Local Act in force within the district. | |
| | 8. HANLEY.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement. | |
| | 9. HARROGATE.— | Do. do. |
| 25 | 10. LITCHURCH.— | Do. do. |
| | 11. LITHERLAND.—Extending the borrowing powers of the Local Board. | |
| | 12. PORTSMOUTH.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement. | |
| 30 | 13. ROCHDALE.—Partial repeal of Local Act, and extending the borrowing powers of the Local Board. | |
| | 14. RYDE.—Extending the borrowing powers of the Local Board. | |
| | 15. WORTHING.—Partially repealing and altering a Local Act in force within the district. | |

A.D. 1869.

BIDEFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Bideford (Devonshire) Local Board, for the Purchase of Lands by the said Board for Works of Water Supply.

5

WHEREAS the Local Board for the district of Bideford, in the county of Devon, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for works of water supply within their district :

10

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued to such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

15

20

25

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

30

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Bideford, in the county of Devon, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes hereinbefore set forth and described.

35

Given under my hand this second day of April one thousand eight hundred and sixty-nine.

40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following;
and the numbers in column 1 refer to those on the Plan accompanying the Petition of the
Local Board aforesaid.

5	No. on Plan.	Description.	Owner.	Lessee.	Occupier.
10	13	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	14	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	15	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	16	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
15	17	Coppice - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
	18	Field - - -	Sir George Stucley Stucley, Bart.	Henry Fry - -	Henry Fry.
20	19	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
	21	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
	22	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
	23, 23a	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
	24	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
	25	Field - - -	Mrs. Mary Jane Mill - -	- - - -	Mrs. Mary Jane Mill.
25	26	Field - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	27	Occupation road - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
30	28	Field and coppice - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	29	Field and coppice - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	30	Coppice - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
35	31	Coppice - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	32	Field - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
	33	Stream - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.
40	34, 35	Fields - - -	Sir George Stucley Stucley, Bart.	Mrs. Fanny Cole and John Cole.	Mrs. Fanny Cole and John Cole.

A.D. 1869.

BOURNEMOUTH.

Provisional Order altering the Bournemouth Improvement Act, 1856.

WHEREAS the Commissioners acting under the Bournemouth Improvement Act, 1856, as the Local Board in and for the district of St. Peter, Bournemouth, in the parishes of Christchurch and Holdenhurst, in the county of South-
ampton, have, in pursuance of the provisions of the Local Government Act, 1858, and after complying with the requirements thereof, duly presented a Petition to one of Her Majesty's Principal Secretaries of State for alteration and repeal of their Local Act:

And whereas after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted, so far as is herein-after set forth; but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The sections of the Local Act aforesaid numbered respectively 3 and 5, fixing the number of the said Commissioners and the manner of their election, shall be and the same are hereby altered by the substitution in section 3 of fourteen for thirteen as the number of the said Commissioners, and by the substitution in section 5 of the words “in manner prescribed by the Local Government Act, 1858,” for the words “in manner prescribed by the Commissioners Clauses Act, 1847,” and the incorporation of the Commissioners Clauses Act, 1847, with the said Local Act, by the 7th section thereof, shall not extend to the provisions of the said Commissioners Clauses Act prescribing the manner of election.
- 2.—The section of the Local Act aforesaid numbered 19, and incorporating the Harbours, Docks, and Piers Clauses Act, 1847, shall be and the same is hereby altered by excepting from such incorporation sections from 14 to 19 of the said Harbours, Docks, and Piers Clauses Act, 1847, and by omitting the proviso of the said 19th section, that the said Commissioners need not provide a tide and weather gauge.
- 3.—The section of the Local Act aforesaid numbered 20, giving power to levy tolls on the pier constructed under the powers of the said Act, shall be and the same is hereby altered by inserting before the proviso of the said section the words “the Commissioners shall have power “ from time to time by byelaws to be published, deposited, and confirmed by the Secretary of State in the same manner as byelaws “ under the Local Government Act, 1858, to regulate the use of the “ said pier, and to restrict the same to such purposes as they shall “ think fit.”

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4.—The section of the Local Act aforesaid numbered 26, incorporating certain sections of the Markets and Fairs Clauses Act, 1847, shall be altered by excepting from such incorporation the section of the said Markets and Fairs Clauses Act numbered 13, and prohibiting under a penalty sales elsewhere than in the market.

5.—The sections of the Local Act aforesaid numbered respectively 9, 10, 11, 12, and 30 to 36, both inclusive, shall be and the same are hereby repealed.

Given under my hand this ninth day of April in the year one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

BOWNESS.

Provisional Order for altering the Boundaries of the District of Bowness in the County of Westmoreland under the Provisions of the Local Government Act, 1858.

WHEREAS a petition has been duly presented to one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, signed by owners of a certain portion of the district of Bowness in the county of Westmoreland herein-after described, and to which the Local Government Act, 1858, does not extend, praying for the addition to such district of Bowness of all that part of the Kendal turnpike road leading from Kendal to Ferry Nab on Windermere Lake marked D to E on the plan accompanying the aforesaid petition, and described therein, and for the addition to the district of Bowness aforesaid of the hereinbefore mentioned portion of such road :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The district of Bowness aforesaid, in which the Local Government Act, 1858, is now in force, be altered by the addition to the said district of the portion of the turnpike road from Kendal to Ferry Nab on Windermere Lake that lies between the points marked D and E on the plan accompanying the petition aforesaid.

2.—At every election of members of the Bowness Local Board aforesaid, which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the district of such Board, as altered by this Order, and

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by the votes of owners of, and ratepayers in respect of, property situate within the district so altered as aforesaid.

Given under my hand this ninth day of November, in the year one thousand eight hundred and sixty-eight.

(Signed) GATHORNE HARDY. 5

BRISTOL.

Provisional Order altering Parts of a Local Act in force within the District of the Bristol Local Board of Health.

WHEREAS the Mayor, Aldermen, and Burgesses of the city of Bristol, being by the council of the said city the Local Board of Health in and for the district of the city and county of Bristol, in which the Local Government Act, 1858, is in force, have, in pursuance of such Act, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say, 10 15

An Act passed in the third year of the reign of Her present Majesty Queen Victoria, intituled "An Act for regulating the buildings and party-walls within the city and county of Bristol, and for widening and improving several streets within the same:" 20

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament: 25

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,— 30

The section numbered 69 in the copies of the said herein-before recited Local Act, printed by the Queen's Printers, shall be altered by the addition thereto of the following proviso:—"Provided also, that the provision and condition with regard to the sale or disposal of lands or tenements in this section shall extend and apply to the sale of all lands sold under the powers and for the purposes of the Local Government Act, 1858, in the said city and county." 35

Given under my hand this third day of April one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE. 40

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CROYDON.

Provisional Order altering a Local Act in force within the District of the Croydon Local Board of Health.

WHEREAS there is a certain Local Act having relation to the purposes of
5 the Local Government Act, 1858, and not conferring powers or privileges on any corporation, company, undertakers, or individuals for their own pecuniary benefit, now in force in the district of the Croydon Local Board of Health, in the county of Surrey, passed in the forty-sixth year of the reign of King George the Third, intituled "An Act for rebuilding the Court House and Butter
10 " Market House of the Town of Croydon, in the County of Surrey, for providing an additional Burial Ground, and for selling certain Waste Lands " belonging to the said Parish:"

And whereas, under the said Act, certain lands therein specified were vested in certain trustees, in trust, among other things, out of the proceeds of
15 the sale thereof, to build a town hall or court house and a butter market house, to be vested in the said trustees, and to purchase or exchange land for a burying ground, and to let parts of the said buildings, and to sell any property so vested that might be found useless or unnecessary for the purposes of the said buildings, and to retain certain lands for gravel pits for the use of the public
20 roads of the said parish, and to sell the same when worn out, and purchase others, and otherwise to dispose of the overplus of monies arising from sales under the said Act, as directed by the said Act:

And whereas certain lands, buildings, and other property are vested under the powers of this Act in the trustees for the execution of the same:

25 And whereas a petition has been presented to me as one of Her Majesty's Principal Secretaries of State, praying for the transfer of such buildings, lands, and other property to the Local Board of Health of the said district:

And whereas, after inquiry duly made under the said Local Government Act by Arnold Taylor, Esquire, the inspector appointed for that purpose, and
30 on his report thereon it appears to me expedient that such transfer should be made, but the same cannot be effected without the authority of Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after
35 the passing of any Act of Parliament confirming this Order—

1.—All the monies, lands, buildings, and other estate whatsoever now vested in the trustees for the execution of the said herein-before recited Local Act, and all the debts, liabilities, and contracts of the said trustees, shall be transferred to the said Local Board of Health.

40 2.—All duties of the said trustees shall be performed, and all debts, liabilities, and contracts of the said trustees shall be paid, satisfied, and executed, by the said Local Board, as, if this Order had not been made, they would by law have had to be performed, paid, satisfied, and executed

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by the said trustees, and all monies owing to the said trustees shall be payable to the said Local Board.

- 3.—The Local Board of Health shall be constituted trustees under and for the purposes of the said Act; and the duties of the trustees and officers, &c. acting in execution of the said Act shall cease and determine. 5

Given under my hand this sixteenth day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

CROYDON.

10

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon, in the County of Surrey.

WHEREAS by a Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1849, the said Public Health Act has been duly applied to the district of Croydon, in the county of Surrey: 15

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such district: 20

And whereas by another Provisional Order signed by one of Her Majesty's Principal Secretaries of State, and bearing date the second day of July 1862, and duly confirmed by Parliament, the number of members of the said Local Board of Health was increased to fifteen, twelve to be elected by and for the Croydon ward of the said district, and three by and for the Norwood ward of the said district: 25

And whereas a petition has been presented to me from owners and rate-payers of the said Norwood ward, praying for separation of the said ward from the said district: 30

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and held in the said district by Arnold Taylor, Esq., the inspector appointed for the purpose, in respect of the matters mentioned in the said petition: 35

And whereas on the report of the said inspector it appears to me inexpedient to make such separation, but expedient to issue a Provisional Order increasing the number of representatives of the said ward; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

A.D. 1869.

- 5 1.—The number of members to constitute the Local Board of Health for the district of Croydon shall be eighteen, anything in the Croydon Provisional Orders bearing date the fourteenth day of July one thousand eight hundred and forty-nine, and the second day of July one thousand
10 eight hundred and sixty-two, and so confirmed as aforesaid, to the contrary notwithstanding.
- 15 2.—Of the said eighteen members, twelve shall be allotted to and be elected by and for the Croydon ward of the aforesaid district, the boundaries of which said Croydon ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th section of the Local Government Act, 1858; and six of the said eighteen members shall be allotted
20 to and elected by and for the Norwood ward of the aforesaid district, the boundaries of which said Norwood ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th section of the Local Government Act, 1858, aforesaid, and that the first election of the said additional members do take place within one month from the date of the passing of the Act confirming this Order.
- 25 3.—One third in number of the twelve members to be so elected for the Croydon ward, and one third in number of the six members to be so elected for the Norwood ward, shall annually go out of office on the day fixed by the Provisional Order first aforesaid bearing date the fourteenth day of July one thousand eight hundred and forty-nine.
- 30 4.—The member annually to retire of the three additional members for the Norwood ward in the years one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, shall be the member among the three newly elected members who shall have attended the least number of Local Board meetings during the year preceding such retirement; and during subsequent years the third of such members to retire shall be determined by rotation.

35 Given under my hand this sixteenth day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

FLEETWOOD.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Fleetwood Improvement Commissioners.

WHEREAS the Commissioners acting in execution of a Local Improvement Act 5 in force within the town of Fleetwood and the neighbourhood thereof, in the county palatine of Lancaster, passed in the fifth year of the reign of Her present Majesty, and intituled "An Act for paving and lighting, watching, "cleansing, and otherwise improving the town of Fleetwood and the neigh- 10 "bourhood thereof, in the county palatine of Lancaster, and for establishing "a market therein," have, in pursuance of the 77th section of the Local Government Act, 1858, (which has been duly adopted by the said Commissioners,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an 15 Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit :

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the several matters mentioned in the said petition, and report made to me thereon by Robert Morgan, Esq., 20 the inspector appointed for that purpose :

And whereas the said Commissioners have adopted the sections of the Local Government Act, 1858, relating to the constitution, qualification, meetings, conduct, and order of business of Local Boards :

And whereas it appears expedient to issue a Provisional Order in relation 25 to the said matter; but no such Order can be valid without confirmation by Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after 30 the passing of any Act of Parliament confirming this Order—

- 1.—The sections numbered in the copies of the said Local Act 1 to 18, both inclusive, relating to the constitution, qualification, meetings, and conduct and order of business at meetings of the said Commissioners, shall be repealed. 35
- 2.—The powers, authorities, duties, and liabilities of the said Commissioners under the unrepealed portions of the said Local Act shall be transferred to a Board of Commissioners to be qualified and elected in the manner and form set forth and prescribed for Local Boards by the Local Government Act, 1858, within the period of one month from 40 the date of the passing of any Act of Parliament confirming this present Order.

3.—The said Board of Commissioners for the district of Fleetwood shall consist of twelve members, of whom one third shall retire annually at such time and in such manner as is prescribed by the Local Government Act, 1858. A.D. 1869

5 4.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be hereby transferred to and vested in the said Local Board, and shall be held and applied by the said Local Board for the general purposes of such Local Board.

10 5.—All debts, monies, and securities for money contracted or payable by such Commissioners shall be paid and satisfied by the said Local Board out of the said transferred property and estate by such Commissioners, as they would have now by law to be paid and satisfied.

Given under my hand this thirty-first day of March in the year one thousand eight hundred and sixty-nine.

15 (Signed) H. A. BRUCE

HANLEY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Hanley (Staffordshire) Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvement.

20

WHEREAS the corporation of the borough of Hanley, acting as the Local Board in and for the district of Hanley, in the county of Stafford, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and

25 serving all notices thereby directed, presented a petition, under the seal of the said borough, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for purposes of street improvements within their district:

30 And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purpose as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned

35 no answer to the notice issued to such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the

40 Home Department directed Robert Rawlinson, Esquire, C.B., the inspector

A.D. 1869. appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1. The Local Board for the district of Hanley, in the county of Stafford, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement for the purposes hereinbefore set forth and described.

Given under my hand this thirty-first day of March one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
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FIRST PART.

As to the improvement of Piccadilly.

1	Shop and premises and outbuildings.	George Paddock	Messrs. Pauer & Co.	Messrs. Pauer & Co.	25
2	Shop and premises and outbuildings.	George Paddock	Fanny Pelling	Fanny Pelling.	
3	Shop and premises and outbuildings.	George Paddock	John Bell	John Bell.	30
4	Shop and premises and outbuildings.	George Paddock	- - -	William Scarlett.	
5	Shop, workshop, and outbuildings.	George Paddock	Ebenezer Cruikshank	Ebenezer Cruikshank.	
6	Shop and premises and outbuildings.	George Paddock	- - -	Joseph Solomons.	35
7	Beer vaults - -	William Grosvenor and Alfred Brooks Fox.	John Wilkinson	John Wilkinson.	
8	House, shop, and premises	William Grosvenor and Alfred Brooks Fox.	- - -	John Titterton.	40

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
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SECOND PART.

As to the improvement of Stafford Street.

5	9	Cottage, land, and out-buildings.	George Dale	-	-	-	-	William Adkins.
	10	Beerhouse, land, and out-buildings.	George Dale	-	-	-	-	George Dale.
	11	Cottage house and out-buildings.	Ralph Booth	-	-	-	-	John Moreton.
10	12	Cottage house and out-buildings.	Samuel Goldstraw	-	-	-	-	William Marsh.
	13	Cottage house and out-buildings.	Samuel Goldstraw	-	-	-	-	William Johnson.
15	14	Cottage house and out-buildings.	Thomas Cooper	-	-	-	-	Thomas Cooper.
	15	Shop, house, and out-buildings.	Peter Rochell	-	-	-	-	John Rochell.
	16	Blacksmith's shop	Mary Trabshaw	-	-	-	-	George Leake.
20	17	Manufactory and hovel	Representatives of John Dimmock, deceased.	-	-	-	-	Representatives of John Dimmock, deceased.

THIRD PART.

As to the improvement of Albion Street.

25	18	House, garden, and out-buildings.	Henry Ward	-	-	-	-	Bernard Collett.
	19	House, garden, and out-buildings.	Joseph Barnard Davis	-	-	-	-	Joseph Barnard Davis.

FOURTH PART.

As to the improvement of Old Hall Street.

30	20	Stable and yard	Mary Mellor	-	-	-	-	Charles Mellor.
	21	House, brewhouse, beer-house, and outhouse.	James Barlow	-	-	-	-	James Barlow.
	22	House, garden, and out-buildings.	Elizabeth Meigh	-	-	-	-	Dr. Burn.
35	23	Shop, premises, and out-buildings.	Elizabeth Meigh	-	-	-	-	Wm. Latham.
	24	Land	Old Hall Earthenware Co. (Limited).	-	-	-	-	Old Hall Earthenware Co. (Limited).
	25	Cottage house	Mary Ann Heath	-	-	-	-	Thomas Johnson.
40	26	Cottage house	Rebecca Heath	-	-	-	-	Sarah Shenton.
	27	Cottage house	Mary Ann Heath	-	-	-	-	Wm. Clewlow.
	28	Manufactory	Elizabeth Meigh	-	James William Pankhurst	-	-	James William Pankhurst.

FIFTH PART.

As to the improvement of New Street.

45	29	House and yard	Mary Mellor	-	-	-	-	Charles Mellor.
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SIXTH PART.

As to the improvement of Swan Street.

	30	Beerhouse, house, and out-buildings.	John Adams	-	-	-	-	Thomas Stubbs.
50	31	Shop, house, and out-buildings.	Susannah Carr	-	-	-	-	Sarah Smith.

SEVENTH PART.

As to the improvement of Bethesda or Paston Street.

	32	Garden	Ralph Stevenson	-	Enoch Hampton	-	Thomas Lowndes.
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A.D. 1869.

HARROGATE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of Harrogate, in the County of York, for the Purchase of Lands by the Local Board of Health of the aforesaid District for Sewage Irrigation. 5

WHEREAS the Local Board of Health for the district of Harrogate, in the county of York, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, duly presented a petition to one of Her Majesty's Principal Secretaries of State for 10 authority to put in force the Lands Clauses Consolidation Act, 1845, for the purchase of lands required for the disposal of the sewage of their district by irrigation :

And whereas the said petition duly set forth the several pieces of land intended to be taken by such Board for such purposes, and the names of the 15 owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase 20 and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district; and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported 25 thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this 30 Order—

The said Local Board of Health for the district of Harrogate aforesaid shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, and in the petition herein-before referred to, and shown upon the plan accompanying 35 such petition, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this twenty-third day of January in the year one thousand eight hundred and sixty-nine. 40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken are the following.

No. on the Plan.	Description of Lands.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
5 487 and 490	All that piece or parcel of land situated in the townships of Bilton - with - Harrogate and Killinghall, and which said piece or parcel of land contains by admeasurement 14 acres 2 roods and 7 perches, or thereabouts, be the same more or less.	The Reverend J. C. Thompson, Rector of Ripley.	Henry Atkinson -	Henry Atkinson.
10				

15

LITCHURCH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Litchurch (Derbyshire) Local Board, for the Purchase of Lands by the said Board for Purposes of Drainage.

- 20 WHEREAS the Local Board in and for the district of Litchurch, in the county of Derby, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her
- 25 Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase a certain piece of land required for intercepting tanks in connexion with the sewage outfall of their district :

- And whereas the said petition duly set forth in the schedule annexed
- 30 thereto the piece of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such land, be allowed to put in force
- 35 the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now
- 40 inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

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A.D. 1869. Now, therefore, I, as one of Her Majesty's Principal Secretaries of State,
do hereby, in pursuance of the powers vested in me by the Local Government
Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this
Order—

5

1. The Local Board for the district of Litchurch, in the county of Derby,
shall be empowered to put in force, with reference to the land referred
to and described in the schedule to this Order annexed, the powers of
the Lands Clauses Consolidation Act, 1845, with respect to the purchase
and taking of land otherwise than by agreement for the purpose herein- 10
before set forth and described.

Given under my hand this thirty-first day of March one thousand
eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

15

The Piece of Land proposed to be taken as described in the foregoing Order is
the following; and the number in column 1 refers to that on the plan
accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description of Property.	Owner.	Lessee.	Occupier.
1	Grass land, containing 1A. 2R. 0P.	Sir Robert Wilmot	- - -	William Bowmer.

20

LITHERLAND.

*Provisional Order for extending the Borrowing Powers of the
Litherland Local Board.*

WHEREAS the Local Board for the district of Litherland in the county of
5 Lancaster propose to carry out, under the provisions of the Local Government
Act, 1858, works of a permanent nature within their district, but the sum
that will be required to carry out the said works will, with the loans already
sanctioned, exceed the assessable value for one year of the premises assessable
under the said Act within such district :

10 And whereas the said Board have now, under the authority of the 78th
section of the Local Government Act, 1858, petitioned me, as one of Her
Majesty's Principal Secretaries of State, to extend the limit of borrowing power
for the carrying out of the said works to an amount, not exceeding 4,000*l.*,
which sum, when added to the sums of which the borrowing has been already
15 sanctioned under the said Act, will not exceed in the whole two years' assess-
able value of the premises assessable under the said Act within the District :

And whereas, after due inquiry and report by Robert Morgan, Esquire,
the inspector appointed by me for the purpose, I am of opinion that the prayer
of such petition should be granted, but the same cannot be done without the
20 consent of Parliament :

Now, therefore, in pursuance of the power vested in me as one of Her
Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this
Provisional Order under my hand, direct as follows :—

That from and after the passing of any Act of Parliament confirming this
25 present Order—

The Local Board for the district of Litherland in the county of Lancaster
shall have power to borrow for the execution of the aforesaid works, on
mortgage of the rates leviable by the said Local Board under the afore-
said Act, such sums as they may from time to time be authorized by the
30 sanction of the Secretary of State to borrow, up to the amount of 4,000*l.*,
which sum, when added to the amounts of the loans already sanctioned
by him, will not exceed in the whole two years' assessable value of the
premises assessable under such Act within the aforesaid district; the
whole of such sums to be repaid, with interest thereon, within a period
35 of fifty years from the date of the borrowing thereof.

Given under my hand this twenty-second day of February one
thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

PORTSMOUTH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Borough of Portsmouth Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvement.

5

WHEREAS the Local Board in and for the district of the borough of Portsmouth, in the county of Hants, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required for the improvement of Golden Lion Lane within their district :

10

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

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25

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

30

That from and after the passing of any Act of Parliament confirming this Order—

1. The Local Board for the district of the borough of Portsmouth, in the county of Hants, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, for the purpose herein-before set forth and described.

35

Given under my hand this eighth day of April one thousand eight hundred and sixty-nine.

40

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in foregoing Order are the following ;
and the numbers in column 1 refer to those on the plan accompanying the petition of the
Local Board aforesaid.

5	No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
	1	House and yard - -	George King - -	- - -	Leonard Loth.
10	2	St. Thomas' Arms, beer-house and yard.	George King - -	William Friend Feltham	Henry James.
	3	House, yard, and outhouse	George King - -	William Friend Feltham	Charles Holmes.
	4	House, shop, and yard -	John Bonham Carter, M.P., Henry Carter, Thomas Wren Carter, George Carter Eveleigh.	- - -	William Roper.
15	5	Vacant land and sheds -	John Bonham Carter, M.P., Henry Carter, Thomas Wren Carter, George Carter Eveleigh.	- - -	Unoccupied.
20	6	House, yard, and outhouses	William Hawkins Gar- rington, Herbert Allen, Jane Gain, and Eliza- beth Hall, trustees of the estate of the late Herbert Allen, deceased. Thomas Martin solici- tor, and William David King receiver, in the suit in Chancery of Winkworth v. Allen.	- - -	William Barron.
	7	" " "		- - -	Mary Craft.
	8	" " "		- - -	James Ayling.
25	9	" " "		- - -	George Hopkins.
	10	" " "		- - -	John Chickratt.
	11	" " "	John Smith.	- - -	John Smith.
30	12	Stable and yard -		- - -	Charles James Culling- worth.
	13	Room over entrance to Golden Lion Yard and yard.	- - -	- - -	Unoccupied.
35	14	House, yard, and outhouse -	Joseph Diaper - -	- - -	Maria Dittman.
	15	House and shop - -	Emanuel Emanuel -	Henry Lewis - -	Thomas Lewis.
	16	Land forming a portion of St. Thomas' Church- yard.	Rev. Godfrey Bolles Lee, M.A., Warden of St. Mary College of Win- chester near Winches- ter, and the scholars clerks of the same col- lege, and the Rev. Ed- ward Pearce Grant, vicar.	- - -	Rev. Edward Pearce Grant, vicar, Richard William Bradley and William Swainson, churchwar- dens.
40					
45					

A.D. 1869.

ROCHDALE.

*Provisional Order repealing and altering Parts of a Local Act
in force within the Town and Borough of Rochdale.*

WHEREAS the Council of the town and borough of Rochdale, in the county palatine of Lancaster, in which the 77th and 78th sections of the Local Government Act, 1858, and the 19th section of the Local Government Act (1858) Amendment Act, 1861, are in force, by adoption of the same in pursuance of the 15th section of the said Local Government Act, 1858, have, in pursuance of the said last-mentioned Act, presented a petition to the Right Honorable Gathorne Hardy, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of parts of the Rochdale Improvement Act, 1853, herein-after called the Local Act, and having relation to the purposes of the said Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and for power to borrow any sum or sums not exceeding two years' assessable value of the premises assessable within the limits of the said Rochdale Improvement Act, 1853, or within the district in respect of which sums may be borrowed, such sum so to be borrowed, together with the amount of the mortgages now due and owing under such last-mentioned Act, to be repaid within fifty years :

And whereas the mayor, aldermen, and burgesses of the said town and acting by the Council of such town and borough, in execution of the said Local Act, have contributed to, purchased, or executed, and propose to contribute to, purchase, and execute, permanent works the cost of which exceeds, or is estimated to exceed, one year's assessable value of the premises assessable to the said Local Act within the said borough :

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said borough in respect of the matters mentioned in the said petition, and report made to me thereon by Robert Morgan, Esq., the inspector appointed for that purpose :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament :

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The 42nd section of the said Local Act and the sections of the Commissioners Clauses Act, 1847, with relation to the audit of accounts, incorporated with the said Local Act, being the 92nd, 93rd, and 94th sections of the said Commissioners Clauses Act, shall, so far as the same relate to the said borough, be and the same are hereby repealed.
- 2.—The accounts of the said mayor, aldermen, and burgesses, acting by the Council of the said town and borough in the execution of the said Local

Act, shall be audited by the same persons and in the same manner as the accounts of the said mayor, aldermen, and burgesses under the Municipal Corporations Acts. A.D. 1869.

3.—The sections of the said Local Act numbered respectively 148 and 151 shall be and the same are hereby repealed.

4.—The mayor, aldermen, and burgesses of the said town and borough acting by the Council of such town and borough in execution of the said Local Act, and for the purposes thereof, shall be and they are hereby empowered, with the sanction of one of Her Majesty's Principal Secretaries of State, to borrow or re-borrow, on mortgage of the rates, rents, profits, and other monies arising or accruing under or by virtue of the said Local Act, such a sum or sums of money as, with the sums already borrowed under and for the purposes of the said Local Act and now due and owing by them, shall not exceed in the whole two years' assessable value of the premises assessable under the said Local Act.

5.—The monies now owing on mortgages under the said Local Act shall be repaid, with interest thereon, within a period of fifty years, and the sum or sums to be borrowed under the powers of this Order shall be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

6.—Nothing in this Order contained shall in any way affect or impugn the rights and securities of the mortgagees under the said Local Act, but the said mortgagees shall have all the powers in relation to the mortgages held by them under the said Local Act as they have or had by law at the date of this Order.

Given under my hand this ninth day of April one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE

RYDE.

30 *Provisional Order for extending the Borrowing Powers of the Ryde Local Board.*

WHEREAS the Local Board for the district of Ryde, in the Isle of Wight in the county of Southampton, propose to carry out, under the provisions of the Local Government Act, 1858, works of sewerage and street improvements within their district, but the sum that will be required to carry out the said works will, with the loans already sanctioned, exceed the assessable value for one year of the premises assessable under the said Act within such district:

And whereas the said Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her

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A.D. 1869. Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works of sewerage to an amount not exceeding 5,000*l.*, and for street improvements to an amount not exceeding 1,000*l.*, which sums, when added to the sums of which the borrowing has been already sanctioned under the said Act, will not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district: 5

And whereas, after due inquiry and report by Robert Morgan, Esquire, the inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament: 10

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:— 15

That from and after the passing of any Act of Parliament confirming this present Order,— 15

The Local Board for the district of Ryde in the county of Southampton shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to the amount of 5,000*l.* for sewerage works, and of 1,000*l.* for street improvements; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof. 20

Given under my hand this twelfth day of April one thousand eight hundred and sixty-nine. 25

(Signed) H. A. BRUCE.

WORTHING.

Provisional Order providing for the future execution and partial repeal and alteration of a certain Local Act in force within the District of Worthing in the County of Sussex. 30

WHEREAS the Local Board of Health for the district of Worthing, in the county of Sussex, have, in pursuance of the provisions of the 77th section of the Local Government Act, 1858, and after complying with the requirements of that section, by duly giving and serving all notices thereby directed, presented a petition to me, the Right Honorable Henry Austin Bruce, one of Her Majesty's Principal Secretaries of State, for a Provisional Order to partially repeal, alter, and provide for the future execution within the said district of a Local Act in force within the said district and having relation to 35

the purposes of the Local Government Act, and not conferring powers or A.D. 1869.

privileges on any corporation, company, undertakers, or individuals for their own pecuniary benefit, passed in the 7th year of the reign of King George the Fourth, and intituled "An Act for making and maintaining a Turnpike

5 " Road from Worthing to Lancing in the county of Sussex, and groynes, " embankments, and other sea defences for protecting such road and the lands " adjoining from the future encroachments of the sea:"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the several matters mentioned 10 in the said petition, and held by Robert Morgan, Esq., the Inspector appointed for the purpose, and he has reported to me thereon :

And whereas it appears by the said petition, as well as by the report of the said Inspector, that great damage has been caused to property within the said district, and to a certain turnpike road within the said district leading from 15 Warwick Buildings, in the town of Worthing, in the county of Sussex, to the Horse Shoes Inn, in the parish of Lancing, in the said county, by reason of the encroachment of the sea, and it is apprehended that, unless the necessary works of protection are forthwith constructed on the sea-shore, large tracts of land within the said district will be submerged by the sea, and 20 further loss and damage will be occasioned to the owners of property and inhabitants of the said district :

And whereas it has appeared to me expedient to issue a Provisional Order in relation to the matters aforesaid, but no such Order can be valid without confirmation by Parliament :

25 Now, therefore, in pursuance of the powers vested in me by the Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1. The powers of the trustees appointed and acting under the said Turn- 30 pike Act shall cease, and all such powers as shall not be affected by this Provisional Order shall vest in and be exercised by the Local Board of Health for the district of Worthing aforesaid, as fully and effectually as if the said board were trustees appointed under the said Act, and all money, goods, materials, property, and other effects, 35 matters, and things belonging to or vested in the said trustees, at the time when their powers shall cease, shall vest in and belong to the said Local Board of Health, and the said board shall thereupon become liable for all debts of the said trustees incurred under the said Act, whether upon contract or otherwise, except the mortgage debt 40 herein-after mentioned: Provided that the Local Board shall not be required to keep the accounts relating to the said road and sea defences in manner directed by the General Turnpike Acts, but in the manner directed by the Public Health Act.

2. In any proceeding taken by or against the said Local Board of Health 45 under the said Act of the 7th Geo. 4. c. 10., it shall be sufficient to describe the said Local Board by their corporate name.

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3. The 3rd, 4th, 5th, 6th, 11th, 17th, 18th, 22nd, 24th, 48th, 49th, 50th, 51st, 52nd, 53rd, 56th, and 57th sections of the said Act of the 7th Geo. 4. c. 10. shall be and the same are hereby repealed. And the said Act, so far as the same relates to the lands comprised in schedule C. to the said Act, shall be and the same is hereby wholly repealed. 5
4. The district of the said Local Board of Health for the purposes of the said Act of the 7th Geo. 4. c. 10., so far as the same is not repealed by this Provisional Order, shall, as to sea defences, extend to the second groyne on the east side of the sluice at Sea Mills Bridge; the said 10 groyne being about 120 yards eastward of the district of Worthing, as constituted under the Public Health Act, 1848, but not to the first groyne on the east side of the Shops Dam in the parish of Lancing, as mentioned in the 19th section of the said Act of the 7th Geo. 4. c. 10.; and as to the rates leviable under the 32nd section of the said Act 15 of the 7th Geo. 4. c. 10. shall extend to and include all the lands mentioned in schedule B. of the said Act.
5. For the purpose of enabling the said Local Board to defray the expenses of repairing, remaking, and maintaining the portion of the said turnpike road within their district, and the embankment across or over or along 20 the sea beach for protecting the said road and lands, and effectually to protect and defend the same and the lands adjoining and adjacent thereto from encroachments of the sea, by means of groynes, embankments, drains, bridges, sluices, and other sea defences, in addition to the assessment rate and tax authorized by the said Act of the 7th Geo. 4. 25 c. 10., as amended by this Act, to be assessed, raised, and levied by the said Local Board, there shall be assessed, raised, and levied by the said Local Board, at a meeting to be holden for that purpose on the first Monday in the month of October in every year, upon the owners of the lands set forth in the schedule hereto annexed, in addition 30 to all other rates to which the said lands are liable, a rate of ten shillings for every acre of the said lands belonging to them respectively, and so on in proportion for any less quantity than an acre.
6. All the enactments contained in sections 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 of the said Act of 7th Geo. 4. c. 10., with respect to the making 35 and levying the rates mentioned in section 32 of the said Act, shall apply to and extend to the levying by the said Local Board of the rate authorized by this Provisional Order to be levied upon the lands mentioned and set forth in the schedule hereto annexed, as fully and effectually as if such rate were a rate authorized to be levied under 40 section 32 of the said Act.
7. Provided always, that whenever any of the lands mentioned and set forth in the said schedule shall be built upon or become liable to be assessed to the general district rate of the said district at the full amount of such rate, the power of the said Local Board to assess and levy the said 45 additional rate of ten shillings per acre on the said lands shall cease and determine: Provided further, that the owners or proprietors of lands

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—

mentioned and set forth in the said schedule used as market gardens shall, at their option respectively, duly signified in writing under their respective hands to the said Local Board, in lieu of the occupiers of the said market gardens, be assessed either at the full amount of the general district rate authorized to be levied upon the owners or occupiers of houses within the said district, or at the proportionate amount of rate authorized by section 55 of the Local Government Act, 1858, to be assessed upon land used as market gardens, but in the last-mentioned case the owners or proprietors of the land so used as market gardens shall also be liable to be assessed to the rate of ten shillings per acre hereby authorized to be levied upon all other lands mentioned in the said schedule hereto.

8. The said Local Board may defray out of their general district rates any charges and expenses incurred by them for any of the purposes of this Provisional Order (except the redemption of the said mortgage debt, or payment of any interest thereon) or incurred by them in erecting, repairing, or maintaining any groynes, embankments, and other sea defences for protecting and defending any part of the district of the said Local Board from encroachments of or injury by the sea, and the said Local Board may make in manner directed by the Public Health Act, 1848, byelaws for regulating and preventing the removal of boulder stones, beach gravel, sea weed, soil, marl, stones, flints, and sand from the sea-shore within the limits of the said district, and inflicting fines for the infringement of such regulations.

9. In addition to the powers conferred by the said Act of the 7th Geo. 4. c. 10., the said Local Board may, for the purpose of defraying the costs, charges, and expenses incurred or to be incurred by the said Local Board in the execution of such works as are mentioned in section 19 of the said Act of the 7th Geo. 4. c. 10., borrow and take up at interest on the credit of the rates and tolls authorized to be assessed and levied by the said Act and by this Provisional Order and their general district rates any sum or sums of money the borrowing of which may be sanctioned by one of Her Majesty's Principal Secretaries of State; and for the purpose of securing the repayment of the sums so borrowed by them under the said Act or this Provisional Order the said board may mortgage, to the person or persons by or on behalf of whom such sums are advanced, the rates and tolls aforesaid; and all the provisions contained in the Public Health Act, 1848, and the Local Government Act, 1858, and any Act or Acts amending the said Acts, with respect to the mortgage of rates and tolls by Local Boards of Health, shall extend and apply to the mortgage of rates under the said Act of the 7th Geo. 4. c. 10. and this Provisional Order, as fully and effectually as if the said provisions were contained in the said Act or in this Provisional Order.

10. Whereas the trustees acting under the said Act under the powers of the said Act did borrow and take up at interest upon mortgage on the credit of the tolls and rates or assessments arising by virtue of the said Act the sum of 7,405*l.* 10*s.*, and no part of the said sum has been repaid to the

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lenders thereof, and the accumulated interest now due and owing by the said trustees in respect thereof amounted up to the 3rd day of October last to the sum of 11,799*l.* 9*s.* 7*d.*: And whereas the tolls and rates authorized to be taken, demanded, and received by the said trustees under the said Act have heretofore been insufficient to defray the costs and expenses which are a first charge under the said Act upon the said tolls and rates: And whereas, by reason of the altered circumstances of the district, and the traffic having been diverted from the said turnpike road by railways and otherwise, the tolls and rates levied thereon have been for many years past and are likely to continue wholly insufficient to meet the annual costs and expenses which are a first charge under the said Act upon the said tolls and rates, and there is no likelihood that the said trustees, if their powers were to be continued, or the said Local Board, under the powers and authorities hereby given to them, would ever derive from the said tolls and rates an amount sufficient to redeem the said mortgage debt of 7,405*l.* 10*s.*, or to pay the interest thereon, and it is expedient to facilitate arrangements with the holders of the bonds or mortgage securities issued under the said Act for the redemption of the same: It shall therefore be lawful for the said Local Board of Health, at a meeting to be specially summoned for the purpose, after at least twenty-one days notice of the intention to hold such meeting in some newspaper usually circulated in the county of Sussex, to resolve that, in case such consents as herein-after mentioned of the mortgagees be obtained, the rate of interest on the mortgage debts charged or secured on the said tolls and rates shall be reduced to such amount as may be resolved at such meeting, and the arrears of the interest on such debt shall be extinguished, or for either of such purposes. When any such resolution is carried, the said Local Board of Health shall cause notice to be given by advertisements or otherwise of such resolution, with such information in relation to the matter of the proposed application, and the consents herein-after mentioned, as such Local Board of Health may think fit. If the persons entitled to two-thirds of the money charged or secured on the tolls and rates aforesaid, and remaining unpaid, have signified in writing under their hands their consent to the proposed application, it shall be lawful for such Local Board of Health to make an application to one of Her Majesty's Principal Secretaries of State for a Provisional Order under any of the Acts of Parliament in force relating to turnpike trusts, for such reduction as aforesaid of the rate of interest on the said debts, and for extinguishing in whole or in part the arrears of interest thereon, or for either of such purposes; and such application shall be under the seal of the said Local Board of Health, who shall therein certify that the consents required as aforesaid to such application have been given.

11. All executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who as such are for the time being entitled to any money charged or secured on the tolls and rates aforesaid, may consent to any such application as aforesaid, as fully as if they respec-

tively were so entitled in their own right discharged of all trusts in respect thereof, and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing. A.D. 1869.

- 5 12. From and after the date of the passing of any Act of Parliament confirming such Provisional Order, the rate of interest therein specified shall be paid by the said Local Board of Health out of the rates authorized to be levied under the said Act of the 7th Geo. 4. c. 10., upon the said principal sum of 7,405*l.* 10*s.*, to the persons entitled to the same (subject, nevertheless, to the prior discharge of the prior charges upon the same).
- 10
13. The said Local Board may, when and as they may think fit, after the passing of any Act of Parliament confirming the said Provisional Order redeem the said mortgage debt of 7,405*l.* 10*s.*, or any part thereof, at and after the rate of 20 years' purchase of the amount of interest payable thereon under such Provisional Order, and on payment of 20 years' purchase of the amount of interest as aforesaid, the said debt of 7,405*l.* 10*s.*, or part thereof, as aforesaid, shall be wholly extinguished.
- 15
14. All executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics who as such are for the time being entitled to any money charged on the tolls and rates aforesaid, are hereby empowered to accept and give a discharge to the said Local Board of Health for any payment made by such Board to them or either of them.
- 20
15. The owners and occupiers of the lands mentioned, set forth, and described in schedule B. to the said Act of the 7th Geo. 4. c. 10. shall be entitled to vote in the elections of members of the said Worthing Local Board of Health, in like manner as they would be so entitled to vote if the said lands were included for all purposes within the district of the said Local Board: Provided always, that the number of votes which each such owner and occupier respectively shall be entitled to give at any such election shall be computed with reference to the amount of rate which such owner and occupier shall have paid during the year ended the 25th March next preceding the election; and for the said computation every shilling so paid shall be reckoned as five shillings rateable value upon which the number of votes is to be computed.
- 25
- 30
- 35

Given under my hand, at Whitehall, this eighth day of April
one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

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The SCHEDULE referred to in the preceding Order.

No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
1 } 2 } 3 }	Gatehouse, Charles, Devisees of -	Part of East Field -	38 0 20 5
5	Wyatt, George Snow - - -	Ditto - - -	3 0 0
6	Tribe, William Foard - - -	Ditto - - -	7 2 37
7	Newland, Harry, Devisees of -	Ditto - - -	5 3 19
8	Ditto - - -	Part of Old Brickyard -	0 3 25
10	Ditto - - -	Part of East Field -	3 0 38
11	Ditto - - -	Ditto - - -	1 2 10
12, 13	Land Improvement Company, Limited.	Forty Acres - - -	41 2 32
14	Trustees, Poor's, 10 acres -	Part of Poor's Ten Acres	8 1 30
15, 16	Mills, George Jonathan, and others	Bushby's Field - - -	7 3 0
18	Newland, Robert - - -	Mill Plot - - -	0 3 16
21	Mills, George Jonathan, and others	Part of 11th Allotment -	7 2 13
24	Mills, George Jonathan, and John Howell.	Part of Allotment - - -	7 0 0
25	Ditto - - -	Part of Allotment - - -	7 0 0
26, 27	Land Improvement Company, Limited.	Cook's Barn Field - -	11 1 0
28	Gannon, Edward Michael - -	Meadow - - -	3 1 18
29	Ditto - - -	Gardens - - -	4 0 0
32	Green, Melvill - - -	Sea Pasture - - -	0 2 0
36	Shelley, Sir Percy Florence, Bart.	Part of 6th Allotment -	5 0 22
37	Milton, Lucy - - -	Garden - - -	2 0 4
38 } 38a } 39 }	Ditto - - -	Part of Garden and Meadow	1 0 29
41	Heather, Charles Hersee - -	Part of Meadow - - -	2 3 12
42, 43	Williams, Harry James Lewis -	Part of Pasture, part of West Field - - -	7 2 20
44 } 45 } 46 }	Griffiths, Harry - - -	Nursery Gardens - -	5 1 37
47	Roe, Sir Frederick Adair, Bart., Devisees of.	The Lawn - - -	10 0 0
48a	Tribe, William - - -	Garden - - -	0 0 30
48	Gannon, Edward Michael - -	Plot - - -	1 0 2
49	Ditto - - -	Garden - - -	1 1 8
50	Ditto - - -	Meadow - - -	2 3 12
108	Williams, Harry James Lewis -	Part of Meadow - - -	1 3 22
109	Stanford, Ann - - -	Ditto - - -	3 0 0
30	Rock, James - - -	Part of Alexandra Estate Building Plot, No. 1	0 0 12
"	Howell, John - - -	Ditto - - -	0 0 8
"	Ditto - - -	Ditto - - -	0 0 8
"	Ditto - - -	Ditto - - -	0 0 8
"	Ditto - - -	Ditto - - -	0 0 8
"	Ditto - - -	Ditto - - -	0 0 8
"	Hillier, James - - -	Ditto - - -	0 0 8

A. D. 1869.

No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
5	30 Howell, John - - -	Part of Alexandra Estate	
		Building Plot, No. 8	0 0 8
	" Ditto - - -	Ditto - - - 9	0 0 8
	" White, Edwin - - -	Ditto - - - 10	0 0 8
	" Ditto - - -	Ditto - - - 11	0 0 9
	" Langridge, W. E. - - -	Ditto - - - 12	0 0 9
10	" Ditto - - -	Ditto - - - 13	0 0 9
	" Cripps, Frederick - - -	Ditto - - - 14	0 0 10
	" Ditto - - -	Ditto - - - 15	0 0 10
	" Hillier, James - - -	Ditto - - - 16	0 0 11
	" Ditto - - -	Ditto - - - 17	0 0 11
15	" Patching, Frederick - - -	Ditto - - - 18	0 0 18
	" Ditto - - -	Ditto - - - 19	0 0 18
	" White, Edwin - - -	Ditto - - - 20	0 0 18
	" Jenner, William - - -	Ditto - - - 21	0 0 18
	" White, Edwin - - -	Ditto - - - 22	0 0 18
20	" Ditto - - -	Ditto - - - 23	0 0 18
	" Tribe, William Foard - - -	Ditto - - - 24	0 0 18
	" Ditto - - -	Ditto - - - 25	0 0 18
	" Ditto - - -	Ditto - - - 26	0 0 26
	" Ditto - - -	Ditto - - - 27	0 0 26
25	" Howell, John - - -	Ditto - - - 28	0 0 26
	" Ditto - - -	Ditto - - - 29	0 0 26
	" Rock, James - - -	Ditto - - - 30	0 0 25
	" Ditto - - -	Ditto - - - 31	0 0 25
	" Ditto - - -	Ditto - - - 32	0 0 24
30	" Ditto - - -	Ditto - - - 33	0 0 24
	" White, Edwin - - -	Ditto - - - 34	0 0 15
	" Ditto - - -	Ditto - - - 35	0 0 15
	" Weston, Oliver - - -	Ditto - - - 36	0 0 14
	" Rock, James - - -	Ditto - - - 37	0 0 13
35	" Ditto - - -	Ditto - - - 38	0 0 13
	" Howell, John - - -	Ditto - - - 39	0 0 12
	" Ditto - - -	Ditto - - - 40	0 0 12
	" Ditto - - -	Ditto - - - 41	0 0 11
	" Ditto - - -	Ditto - - - 42	0 0 11
40	" Ditto - - -	Ditto - - - 43	0 0 11
	" Ditto - - -	Ditto - - - 44	0 0 11
	" Rock, James - - -	Ditto - - - 45	0 0 10
	" Howell, John - - -	Ditto - - - 46	0 0 10
	" Ditto - - -	Ditto - - - 47	0 0 10
45	" Ditto - - -	Ditto - - - 48	0 0 10
	" Ditto - - -	Ditto - - - 49	0 0 9
	" Ditto - - -	Ditto - - - 50	0 0 9
	" Ditto - - -	Ditto - - - 51	0 0 16
	" Smith, James Norton, Devisees of - - -	Ditto - - - 52	0 0 8
50	" Ditto - - -	Ditto - - - 53	0 0 8
	" Hillier, William - - -	Ditto - - - 54	0 0 8
	" Ditto - - -	Ditto - - - 55	0 0 8
	" Ditto - - -	Ditto - - - 56	0 0 8
	" Rock, James - - -	Ditto - - - 57	0 0 8
55	" Ditto - - -	Ditto - - - 58	0 0 8
	" Bourne, Frederick William - - -	Ditto - - - 59	0 0 8
	" Greenfield, Walter - - -	Ditto - - - 60	0 0 8
	" Crome, Samuel - - -	Ditto - - - 61	0 0 8
	" Meadows, George - - -	Ditto - - - 62	0 0 8
60	" Ditto - - -	Ditto - - - 63	0 0 8

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No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
30	Howell, John - - -	Part of Alexandra Estate Building Plot, No. 64	0 0 8 5
"	Ditto - - -	Ditto - - - 65	0 0 8
"	Ditto - - -	Ditto - - - 66	0 0 8
"	Ditto - - -	Ditto - - - 67	0 0 8
"	Ditto - - -	Ditto - - - 68	0 0 8
"	Ditto - - -	Ditto - - - 69	0 0 8 10
"	Bourne, Frederick William	Ditto - - - 70	0 0 8
"	Rock, James - - -	Ditto - - - 71	0 0 7
"	Ditto - - -	Ditto - - - 72	0 0 7
"	Ridley, Samuel - - -	Ditto - - - 73	0 0 7
"	Crome, Samuel - - -	Ditto - - - 74	0 0 7 15
"	Jenner, William - - -	Ditto - - - 75	0 0 7
"	Ditto - - -	Ditto - - - 76	0 0 7
"	Rock, James - - -	Ditto - - - 77	0 0 7
"	Ditto - - -	Ditto - - - 78	0 0 7
"	Patching, Edward - - -	Ditto - - - 79	0 0 7 20
"	Ditto - - -	Ditto - - - 80	0 0 7
33,	Sayer, John Last - - -	Part of Selden Estate Building Plot, No. 1	0 0 3
34,			
35 }			
"	Ditto - - -	Ditto - - - 2	0 0 3 25
"	Green, Melvill - - -	Ditto - - - 3	0 0 3
"	Ditto - - -	Ditto - - - 4	0 0 3
"	Ditto - - -	Ditto - - - 5	0 0 3
"	Ditto - - -	Ditto - - - 6	0 0 3
"	Ward, John - - -	Ditto - - - 7	0 0 3 30
"	Ditto - - -	Ditto - - - 8	0 0 5
"	Green, Melvill - - -	Ditto - - - 9	0 0 16
"	Collins, Benjamin John	Ditto - - - 10	0 0 16
"	Ditto - - -	Ditto - - - 11	0 0 16
"	Ditto - - -	Ditto - - - 12	0 0 16 35
"	Hillier, William - - -	Ditto - - - 13	0 0 16
"	Ditto - - -	Ditto - - - 14	0 0 16
"	Ditto - - -	Ditto - - - 15	0 0 16
"	Tribe, William Foard - - -	Ditto - - - 16	0 0 16
"	Ditto - - -	Ditto - - - 17	0 0 16 40
"	Ditto - - -	Ditto - - - 18	0 0 16
"	Green, Melvill - - -	Ditto - - - 19	0 0 18
"	Ditto - - -	Ditto - - - 20	0 0 18
"	Wood, Frank - - -	Ditto - - - 21	0 0 19
"	Howell, John - - -	Ditto - - - 22	0 0 21 45
"	Ditto - - -	Ditto - - - 23	0 0 21
"	Ditto - - -	Ditto - - - 24	0 0 21
"	Truefitt, George - - -	Ditto - - - 25	0 0 16
"	Ditto - - -	Ditto - - - 26	0 0 15
"	Cook, Charles C. - - -	Ditto - - - 27	0 0 19 50
"	Odell, Richard Davis - - -	Ditto - - - 28	0 0 4
"	Ditto - - -	Ditto - - - 29	0 0 4
"	Ditto - - -	Ditto - - - 30	0 0 4
"	Plowman, Edwin - - -	Ditto - - - 31	0 0 4
"	Laurie, William Henry - - -	Ditto - - - 32	0 0 4 55
"	Sayer, John Last - - -	Ditto - - - 33	0 0 4
"	Greenfield, Walter - - -	Ditto - - - 34	0 0 4
"	Ditto - - -	Ditto - - - 35	0 0 4
"	Ditto - - -	Ditto - - - 36	0 0 4
"	Ditto - - -	Ditto - - - 37	0 0 4 60

A.D. 1869.

No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
5	33, } 34, } 35 } Green, Melvill - - -	Part of Selden Estate, Building Plot, No. 38	A. R. P. 0 0 26
"	Ditto - - -	Ditto - - - 39	0 0 4
"	Ditto - - -	Ditto - - - 40	0 0 4
"	Ditto - - -	Ditto - - - 41	0 0 4
10	Longhurst, Walter - - -	Ditto - - - 42	0 0 4
"	Ditto - - -	Ditto - - - 43	0 0 4
"	Ditto - - -	Ditto - - - 44	0 0 4
"	Collins, Benjamin John - - -	Ditto - - - 45	0 0 5
"	Tribe, William Foard - - -	Ditto - - - 46	0 0 9
15	Sayer, Robert - - -	Ditto - - - 47	0 0 7
"	Ditto - - -	Ditto - - - 48	0 0 7
"	Odell, Richard Davis - - -	Ditto - - - 49	0 0 7
"	Smith, William Wenban - - -	Ditto - - - 50	0 0 7
"	Ditto - - -	Ditto - - - 51	0 0 7
20	Howell, John - - -	Ditto - - - 52	0 0 7
"	Ditto - - -	Ditto - - - 53	0 0 12
"	Green, Melvill - - -	Ditto - - - 54	0 0 14
"	Ditto - - -	Ditto - - - 55	0 0 10
"	Greenfield, Walter - - -	Ditto - - - 56	0 0 10
25	Longhurst, Walter - - -	Ditto - - - 66	0 0 7
"	Ditto - - -	Ditto - - - 67	0 0 7
"	Ditto - - -	Ditto - - - 68	0 0 7
"	Green, Melvill, - - -	Ditto - - - 69	0 0 7
"	Ditto - - -	Ditto - - - 70	0 0 7
30	Mills, George Jonathan - - -	Ditto - - - 71	0 0 7
"	Howard, William Joseph - - -	Ditto - - - 72	0 0 7
"	Howell, John - - -	Ditto - - - 73	0 0 7
"	Ditto - - -	Ditto - - - 74	0 0 7
"	White, Edwin - - -	Ditto - - - 75	0 0 7
35	Ditto - - -	Ditto - - - 76	0 0 8
"	Ditto - - -	Ditto - - - 77	0 0 8
"	Hide, Charles - - -	Ditto - - - 78	0 0 8
"	Ditto - - -	Ditto - - - 79	0 0 8
"	Ditto - - -	Ditto - - - 80	0 0 19
40	White, Edwin - - -	Ditto - - - 81	0 0 16
"	Tribe, William Foard - - -	Ditto - - - 84	0 0 21
"	Green, Melvill - - -	Ditto - - - 85	0 0 13
"	Ditto - - -	Ditto - - - 86	0 0 14
"	Ditto - - -	Ditto - - - 87	0 0 16
45	Plowman, Edwin - - -	Ditto - - - 88	0 0 14
"	Laurie, William Henry - - -	Ditto - - - 89	0 0 14
"	Baker, James - - -	Ditto - - - 90	0 0 14
"	Ditto - - -	Ditto - - - 91	0 0 14
"	Ditto - - -	Ditto - - - 92	0 0 14
50	Howell, John - - -	Ditto - - - 93	0 0 14
"	Ditto - - -	Ditto - - - 94	0 0 14
"	Howard, William and Joseph - - -	Ditto - - - 95	0 0 14
"	Ditto - - -	Ditto - - - 96	0 0 14
"	Cook, Charles Christopher - - -	Ditto - - - 99	0 0 3
55	Greenfield, Walter - - -	Ditto - - - 100	0 0 3
"	White, Edwin - - -	Ditto - - - 201	0 0 3
"	Baker, James - - -	Ditto - - - 102	0 0 3
"	Ditto - - -	Ditto - - - 103	0 0 3
40	Cook, Charles Christopher - - -	Part of Home Field	
60	"	Building Plot, No. 21	0 1 18
"	Hillier, William - - -	Ditto - - - 22	0 1 3

[155.]

F

A.D. 1869.

No. on Tithe Map.	Names of reputed Owners.	Names of Lands.	Extent.
			A. R. P.
40	Hillier, William - - -	Part of Home Field	
		Building Plot, No. 23	0 1 2 5
"	Mills, George Jonathan -	Ditto - - - 24	0 0 36
"	Gausden, Charles Henry -	Ditto - - - 25	0 0 35
"	Sayer, Robert - - -	Ditto - - - 26	0 0 39
"	Patching, William - - -	Ditto - - - 27	0 1 6
"	Cook, Christopher - - -	Ditto - - - 28	0 1 9
"	Wyatt, George Snow - - -	Ditto - - - 29	0 1 17
"	Piggott, Rev. Francis Allen	Ditto - - - 32	0 1 25
"	Ditto - - -	Ditto - - - 33	0 1 17
"	Ditto - - -	Ditto - - - 34	0 0 30
"	Ditto - - -	Ditto - - - 35	0 0 29
"	Ditto - - -	Ditto - - - 36	0 0 30
"	Odell, Richard - - -	Ditto - - - 37	0 0 31
"	Winchester, Richard - - -	Ditto - - - 38	0 0 34
"	Ditto - - -	Ditto - - - 39	0 0 36
"	Tribe, William Foard - - -	Ditto - - - 40	0 0 37
"	Patching, William - - -	Ditto - - - 41	0 0 38
"	Sayer, John Last - - -	Ditto - - - 42	0 0 38
"	Ditto - - -	Ditto - - - 43	0 0 37
"	Mills, George Jonathan - - -	Ditto - - - 44	0 0 36
"	Ditto - - -	Ditto - - - 45	0 3 1
51	Green, Melvill - - -	Part of Farncombe Park	25
		Estate Building Plot,	
		No. 1.	0 0 21
"	Ditto - - -	Ditto - - - 2	0 0 21
"	Ditto - - -	Ditto - - - 3	0 0 35
"	Hillier, William - - -	Ditto - - - 8	0 0 36
"	Newcombe, William Prout - - -	Ditto - - - 9	0 0 34
"	Patching, William - - -	Ditto - - - 10	0 1 3
"	Potter, William - - -	Ditto - - - 11	0 1 30
"	Green, Melvill - - -	Ditto - - - 19	0 1 8
"	Patching, William - - -	Ditto - - - 20	0 1 2
"	Newcombe, Samuel Prout - - -	Ditto - - - 21	0 1 1
"	Ditto - - -	Ditto - - - 22	0 1 1
"	Ditto - - -	Ditto - - - 23	0 1 1
"	Patching, Frederick - - -	Ditto - - - 24	0 1 13
"	Hillier, James - - -	Ditto - - - 25	0 0 26
"	Tribe, William Foard - - -	Ditto - - - 26	0 0 28
"	Ditto - - -	Ditto - - - 27	0 0 21
"	Ditto - - -	Ditto - - - 28	0 0 21
"	Giffard, Henry Salmon - - -	Ditto - - - 29	0 0 35
"	Farncomb, Edward - - -	Ditto - - - 30	0 1 25
"	Green, Melvill - - -	Ditto - - - 31	0 1 14
"	Meadows, James - - -	Ditto - - - 32	0 1 2
"	Ditto - - -	Ditto - - - 33	0 0 32
"	Longhurst, Walter - - -	Ditto - - - 34	0 0 32
"	Chinnock, Robert William, assignees of.	Ditto - - - 35	0 0 34
"	White, Edwin - - -	Ditto - - - 36	0 1 6
"	Longhurst, Walter - - -	Ditto - - - 37	0 0 17
"	Ditto - - -	Ditto - - - 38	0 0 17
"	Giffard, Henry Salmon - - -	Ditto - - - 39	0 0 17
"	Mills, George Jonathan - - -	Gardens, &c. - - -	1 0 0

Local Government Supplemental.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm certain Provisional Orders under “The Local Government Act, 1858,” relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes relative to certain districts under that Act.

(Prepared and brought in by
*Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.*)

*Ordered, by The House of Commons, to be Printed,
9 June 1869.*

[Bill 155.]

Under 5 oz.

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Aberystwith, Ashton-under-Lyne, Bath, Cleckheaton, Crompton, Newport (Monmouthshire), Reading, Southport, Stalybridge, and Weston-super-Mare; and for other purposes relative to the district of Gorleston and Southtown. A.D. 1869.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain provisional orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such orders shall be of any validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said orders should be so confirmed, and other provisions made with respect to the district of Gorleston under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The provisional orders contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional orders in schedule confirmed.

2. Whereas the Local Government Act is in force in and for the district of Gorleston and Southtown in the county of Norfolk, and it is desirable that the local board for the said district should be invested with powers of leasing, management, and control of certain land set out, described, and appointed by an award in writing, bearing date the twenty-ninth day of April in the fifty-third year of the reign of his late Majesty King George the Third (1813), and made in pursuance of the powers and authorities vested in the Commis-

Vesting in the local board of Gorleston and Southtown certain public lands in the district, with power to lease such lands and

[Bill 192.]

A

A.D. 1869.

regulate
them by
byelaw.

sioners for carrying into execution an Act passed in the forty-ninth year of the said reign, intituled an Act for enclosing lands in the parish of Corton, Hopton, and Gorleston in the county of Suffolk, as a "public way over such part of the common, marsh, and waste
 " land, situate in the said parish of Gorleston, lying next the river 5
 " Yarr, commonly called Yarmouth harbour, and running parallel
 " thereto, of the average breadth in its whole length of eighty feet
 " from low water mark to the foot of the marsh wall or bank then
 " lately made thereon," as the same and the user and the duty 10
 of repairing thereof are described in the said award and map
 thereunto annexed :

Be it enacted that the said land shall vest in and be under the management and control of the local board for Gorleston and Southtown, and the said local board may and is hereby authorized and empowered, by and with the consent in writing of one of Her 15
 Majesty's Principal Secretaries of State, from time to time to let
 such part or parts of the said land as to the said local board shall
 seem fit on lease, and not otherwise, for any term not to exceed
 twenty-one years from the date thereof, and to accept a surrender of 20
 any such lease, and from time to time to re-lease the same in manner
 aforesaid, and accept a surrender of every such lease. And the said
 local board may and is hereby empowered to make and enforce bye-
 laws for the management, regulation, and control of the said land,
 in the same way in all respects and subject to the same conditions as
 bye-laws made in pursuance of the said Local Government Act. 25

Act incor-
porated with
21 & 22 Vict.
c. 98.

3. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one.

Short title.

4. In citing this Act in any other Act of Parliament or in any proceeding, instrument, or document whatever, it shall be sufficient 30
 to use the words and figures "The Local Government Supplemental
 Act, 1869 (No. 2).

A.D. 1869.

SCHEDULE of Provisional Orders referred to in the
preceding Bill.

1. ABERYSTWITH.—Extending the borrowing powers of the local board.
 2. ASHTON-UNDER-LYNE.—Partial repeal of local Act, and extension of
5 borrowing powers of town council.
 3. BATH.—Putting in force Lands Clauses Consolidation Act, 1845, for the
purchase and taking of lands otherwise than by agreement.
 4. CLECKHEATON.—Separating the hamlets of Scholes and Oakenshaw from
district.
 - 10 5. CROMPTON.—Putting in force Lands Clauses Consolidation Act, 1845, for
the purchase and taking of lands otherwise than by agreement.
 6. NEWPORT (MON.)— Do. Do.
 7. READING.— Do. Do.
 8. SOUTHPORT.— Do. Do.
 - 15 9. STALYBRIDGE.—Extending the borrowing powers of the local board.
 - 10 10. WESTON-SUPER-MARE.—Putting in force Lands Clauses Consolidation Act,
1845, for the purchase and taking of lands otherwise than by agree-
ment.
-

A.D. 1869.

ABERYSTWITH.

*Provisional Order for extending the Borrowing Powers of the
Aberystwith Local Board.*

WHEREAS the Improvement Commissioners under the Aberystwith Improvement Act, 1835, 5 & 6 William 4, c. 46, acting as the Local Board for the town of Aberystwith in the county of Cardigan, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature within their district, but the sum that will be required to carry out the said works will, with the loans already raised under the said Aberystwith Improvement Act, exceed the assessable value for one year of the premises assessable under the Local Government Act, 1858, within such district: 10

And whereas the said Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount not exceeding in the whole two years' assessable value of the premises assessable under the said Act within the district: 15

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament: 20

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,— 25

The Local Board for the district of Aberystwith in the county of Cardigan shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Local Government Act, 1858, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount not exceeding in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof. 30 35

Given under my hand this fifteenth day of June one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

ASHTON-UNDER-LYNE.

Provisional Order for the alteration of the Ashton-under-Lyne Improvement Act, 1849, in force within the Borough of Ashton-under-Lyne, in the County Palatine of Lancaster, for increasing the borrowing powers of the Town Council of the said Borough, and for other purposes.

WHEREAS the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne, in the county palatine of Lancaster, acting by the council of the said borough in execution of the Ashton-under-Lyne Improvement Act, 1849, the Ashton-under-Lyne Corporation Waterworks Act, 1855, and the Ashton-under-Lyne and Stalybridge (Corporations) Waterworks Act, 1864, have duly adopted certain sections of the Local Government Act, 1858 :

And whereas by such adoption the said sections are in force within the said borough as fully and effectually as if the said sections had been enacted in the said Ashton-under-Lyne Improvement Act, 1849 :

And whereas the said [council have, under the powers of the seventy-eighth section of the Local Government Act, 1858, and the nineteenth section of the Local Government Act (1858) Amendment Act, 1861, being two of the sections so adopted as aforesaid, petitioned that they may be allowed to borrow or reborrow under the provisions of, and for the purposes and upon the rates and securities mentioned in, the said local Acts, or some or one of them, for permanent works, such amount, not exceeding two years' assessable value of the premises assessable under the said Acts within the said borough, as shall be sanctioned by one of Her Majesty's Principal Secretaries of State, to be repaid, with interest, within a period not exceeding fifty years from the date of the borrowing thereof.

And whereas the said council have further prayed by their said petition that I will by my Provisional Order declare that certain sections of the Local Government Act, 1858, so adopted as aforesaid, be no longer in force in the said borough, they being now of the same force and effect as if they had been enacted in the said Ashton-under-Lyne Improvement Act, 1849, such declaration being in effect an alteration and partial repeal of the said local Act, having relation to the purposes of the Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit :

And whereas inquiry has been made in the said district by Arnold Taylor, Esquire, the inspector appointed for such purpose, in respect of the several matters mentioned in the said petition :

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, and in pursuance of the powers vested in me by the Local Government Act, 1858, do, by this Provisional Order under my hand, direct—

[192.]

A 3

A.D. 1869. That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The sections of the Public Health Act, 1848, the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, enumerated in the schedule to this Order shall be no longer in force within the said borough, except and so far only as may be necessary for the recovery of monies due in respect of works already executed. 5
- 2.—The mayor, aldermen, and burgesses of the said borough, acting by the council, shall have power to borrow on mortgage of the rates or securities mentioned in the said local Acts, or some or one of them, for the execution of certain permanent works designed or to be executed by them for the completion of existing waterworks, for public baths, and for works in connexion with the scavenging of the said borough, such sums (not exceeding two years' assessable value of the premises assessable under the said Local Acts) as they may from time to time be authorized to borrow with the sanction of the Secretary of State, to be repaid, with interest thereon, by equal annual instalments of principal and interest, or by a sinking fund in the manner provided by the Local Government Act, 1858, within a period of fifty years from the date of the borrowing thereof. 10 15
- 3.—The words "except in so far as relates to the appropriation and investment of a sinking fund for paying off moneys borrowed," contained in section thirty-eight of the Ashton-under-Lyne Improvement Act, 1849, shall be repealed; and the same section shall be read and construed as if such words had not been inserted therein, and the loan of twenty thousand pounds authorized to be raised by section thirty-seven of the same Act shall be repaid with interest by equal annual instalments of principal and interest, or by a sinking fund, in the manner provided by the Local Government Act, 1858, within a period of fifty years from the time of the confirmation by Parliament of this Order. 20 25 30

Given under my hand this twenty-third day of June in the year one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the above Order.

Sections of the Public Health Act, 1848, the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, adopted by the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne, declared by this Order to be no longer in force within the said borough: 35

Of the Public Health Act, 1848, the sections numbered respectively 69, 90, 91, 100 to 104 both inclusive, 106, 123 to 137 both inclusive, and 140; 40

Of the Local Government Act, 1858, the sections numbered respectively 38, 54, 58, 59, 64, and 67; 45

And of the Local Government Act, 1858, Amendment Act, 1861, the sections numbered respectively 16, 17, and 24. 45

A.D. 1869.

BATH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Bath (City) Local Board of Health, for the Purchase of Lands by the said Board for the Purpose of a Street Improvement.

WHEREAS the Local Board of Health in and for the district of the city of Bath, in the county of Somerset, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land required for a street improvement within their district.

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board of Health for the district of the city of Bath, in the county of Somerset, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purpose herein-before set forth and described.

Given under my hand this fifteenth day of June one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869, SCHEDULE referred to in the preceding Order.

The pieces of land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board of Health aforesaid.

No. on Plan.	Description of Property.	Owner.	Lessee.	Occupier.	
1	All the messuage or premises No. 1, Quiet Street, in the city of Bath.	Sir James Francis Rivers, Baronet, Bath.	Maria Mayberry, of Bath.	Mr. Frederick Mager.	5
2	The like, No. 2, Quiet Street.	Same - -	Emma Vowles and Charlotte Vowles.	Emma Vowles and Charlotte Vowles.	10
3	The like, No. 3, Quiet Street.	Same - -	Lease expired -	John Bell.	
4	The like, No. 4, Quiet Street.	Same - -	Lease expired -	A. T. Godfrey.	15
5	The like, No. 5, Quiet Street.	Same - -	Rev. R. Coward -	D. Price.	
6	The like, No. 6, Quiet Street.	Same - -	Same - -	Jas. W. Scane.	
1a	No. 1, Milsom Street, Bath.	Mayor and Corporation of Bath.	Sarah Crook, C. M. Crook, H. W. Slade, and H. T. Germain.	John Fare.	20

CLECKHEATON.

Provisional Order for separating the Hamlets of Scholes and Oakenshaw from the District of Cleckheaton in the County of York, and for other purposes. 25

WHEREAS the Local Government Act, 1858, was duly adopted by the township of Cleckheaton in the county of York, and notice thereof, in writing, was duly given to me, as one of Her Majesty's Principal Secretaries of State, as required by such Act: And whereas a petition has now been presented to me, as such Secretary of State as aforesaid, under the provisions of the 77th section of the said Local Government Act, signed by the chairman of a public meeting, duly convened, of the owners and ratepayers of that part of the district of Cleckheaton aforesaid proposed to be separated, praying for the separation from the said district of the hamlets of Scholes and Oakenshaw: And whereas inquiry has been directed in the said district into the several matters alleged in the said petition, and report has been duly made to me thereon by Arnold Taylor, Esquire, the inspector appointed for the purpose: And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament: 40

Now, therefore, in pursuance of the powers vested in me by the aforesaid Local Government Act, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do, by this Provisional Order, under my hand, direct—

That from and after the passing of any Act confirming this Order,—

1. The hamlets of Scholes (except the portion thereof described in the schedule to this Order) and Oakenshaw shall be separated from the said district of Cleckheaton, and be hereafter excluded from the operation of the Local Government Act, 1858. 45

A.D. 1869.

2. The portion of the Wakefield and Halifax turnpike road coloured blue on the tracing marked B accompanying the report of the said inspector, and preserved in the Local Government Act Office, being by measurement about 112 yards in length, which portion is included between stones permanently fixed in the ground of the said road, and marked with the letters B.S., shall be taken to be within the Cleckheaton district as altered by this Order, and be maintained and repaired by the Local Board of the said district.
3. Up to the date of the Act confirming the Provisional Order now recommended, any general district rate made by the Cleckheaton Local Board, together with all arrears of that or any former rate made by them, shall be collected by the Local Board as heretofore throughout the entire township and district of Cleckheaton, and so much of any such rate or arrears of rate as may be collected from the hamlets of Scholes and Oakenshaw respectively shall be expended by the Local Board in and for the benefit of those hamlets respectively.
4. Within one month of the confirmation of this Order by any Act of Parliament, three members shall be elected by the owners of and ratepayers in respect of property in the district of Cleckheaton, as altered by this Order, to serve on the Local Board of the said district in lieu of the five members hitherto returned to the Cleckheaton Local Board by the hamlets of Scholes and Oakenshaw respectively.
5. From and after such election the Local Board of Cleckheaton shall consist of nine members, to be elected by and for the whole of the said district as altered by this Order.

Given under my hand this twenty-third day of June in the year
one thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the above Order.

- So much of the hamlet of Scholes shall be included in the district of Cleckheaton as lies south of the line coloured blue on the plan marked A accompanying the report of the said inspector, and preserved in the Local Government Act Office.

- The said line so coloured blue commences at the point marked A on the said map, on the boundary line between the hamlets of Scholes and Cleckheaton respectively, at the point where the footpath running through the property numbered 639 on the plan of Cleckheaton township crosses the Moor Lane Beck; thence westerly along and including such last-named footpath till it joins Wellands Lane; thence in a north-westerly direction along and including such last-named lane to the point B; thence crossing such last-named lane to the point C on the north side of the footpath, running through the properties numbered 615, 614, and 613 on the plan of Cleckheaton township; thence westerly along and including such last-named footpath to the point D, on the line which separates the hamlet of Scholes from the hamlet of Cleckheaton.

A.D. 1869.

CROMPTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Crompton (Lancashire) Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvements. 5

WHEREAS the Local Board in and for the district of Crompton, in the county of Lancaster, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required for street improvements within their district: 10

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such Board for such purposes, as shown in the plans accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon: 15 20 25

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,— 30

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Crompton, in the county of Lancaster, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth and described. 35

Given under my hand this fifteenth day of June One thousand eight hundred and sixty-nine. 40

(Signed) H. A. BRUCE.

A.D. 1869.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

5	No. on Plan.	Description of Lands proposed to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
10	1A	Land at the south end of the Duke of York Inn, and yard at Greenfield Gate, containing ten square yards, and part of stable erected thereon.	Trustees of James and Jonathan Wild.	- - -	Rachel Royle late Margery Royle.
15	1B	Land at the south side of dwelling houses at Greenfield, containing forty-five square yards.	Betty Butterworth and Sarah Wild.	Trustees of Ann Kershaw (deceased).	Sally Henthorne or Sally Winterbottom, William Greaves, William Buckley, Ann Wild, Henry Harrison, and George Stott.
20	1C	Land at the south side of dwelling houses at Greenfield, containing forty yards.	Betty Butterworth and Sarah Wild.	Mary Stott and Caroline Law Ashton.	Ann Tetlow, Stephen Sucksmith, Sarah Ann Hunt, and William Sunderland.
25	1D	Land at the south side of a house and barn at Greenfield,* containing thirty yards.	Trustees of John Milne (deceased).	- - -	Charles Rothwell and John Travis.
30	1E	Land at the north side of a house and shop, containing twenty square yards.	John Wood	James Dyson	James Hill and Maria Ogden.
35	2	Land and part of a house erected thereon, containing twenty yards, at Sage Croft, Higher Shaw.	Trustees of John Milne (deceased).	- - -	Thomas Stansfield and Bridget Oban.
40	3	Land and part of kitchen, containing fifty yards, at Sage Croft, Higher Shaw.	Trustees of John Milne (deceased).	John Cocker and Betty his wife.	James Whitehead, Jane Fitton, John Baugh, and Samuel Hall.
45	4A	Land on the west side of houses and stable at Smallbrook, containing one hundred and twenty-five yards.	William Alderley Stanway.	- - -	James Henthorn, John Henthorn, Richard Maley, James Nelson, James Taylor, Jacob How, Robert Bardsley, and Michael Donough.
50	4B	Land on the west side of cottages at Smallbrook, containing sixty yards.	Thomas Gosling and others.	- - -	Amos Winterbottom, Thomas Marsden, William Bradbury, John Skriney, Joseph Buckley, and Henry Crossley.
55	5A B	Land marked B. on the plan, situate on the northerly and westerly sides of Shaw Lane, Shaw, containing thirty square yards; and land (marked A. on the plan) situate on the northerly side of Shaw Lane, containing five square yards.	Trustees of John Ogden and James Henthorn, otherwise James Kershaw.	- - -	Mary Ogden, Martha Dyson, and Thomas Tristram.
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A.D. 1869.

No. on Plan.	Description of Lands proposed to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
6	Land and premises at the south-west corner of the Four Lane Ends, Shaw, containing fifty-five square yards.	Trustees of Ann Kershaw, deceased.	- - -	Sarah Hall, Henry Wild, Job Roberts, and Mary Driver. 5
7	Land at the north side of four cottages at Milleroft, containing fourteen square yards.	Joshua Milne Cheetham.	Trustees of John Taylor, deceased.	Betty Bottomley and one (unoccupied). 10
8 A	Land at Beal Bridge, on the southerly side of the highway, containing thirty-five square yards.	Lancashire and Yorkshire Railway Company.	- - -	Lancashire and Yorkshire Railway Company. 15
8 C	Land on the north side of dwelling houses, outhouse, and premises, situate at or near to Beal Bridge, containing one hundred and forty-five square yards.	Humphrey Nicholls	Betty Ashworth -	John Rothwell, Betty Ashworth, Ralph Mellor, Betty Stock, Benjamin Dawson, Samuel William Mawdsley, John Lauden, John Taylor, Sarah Mellor (since left), and James Whittle. 20 25

NEWPORT.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Newport (Monmouthshire) Local Board of Health, for the Purchase of Lands by the said Board for Purposes of Street Improvement. 30

WHEREAS the Town Council of the borough of Newport, acting as the Local Board of Health in and for the district of the borough of Newport in the county of Monmouth, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said borough, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land for purposes of a street improvement within their district : 35 40

And whereas, the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purpose, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, 45 dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to

A.D. 1869.

the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now
5 inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

10 That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board of Health for the district of Newport, in the county of Monmouth, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed,
15 the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand this fifteenth day of June One thousand eight hundred and sixty-nine.

20 (Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

25 No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
	1 Dwelling house and shop.	Rt. Hon. Lord Tredegar.	Elizabeth Jones -	George Taylor.
30	2 Dwelling house and shop.	Rt. Hon. Lord Tredegar.	William Weston -	William Weston.
	3 Dwelling house and shop.	Rt. Hon. Lord Tredegar.	Michael Horrigan -	Michael Horrigan.
	4 Shop and premises -	William Henry Parsons.	- - -	William Henry Parsons.
35	5 Shop - -	William Morgan -	George Greenland and Robert Huntley.	George Greenland and Robert Huntley.
	6 Dwelling house and shop.	William Morgan -	George Greenland and Robert Huntley.	George Greenland and Robert Huntley.
40	7 Dwelling house and shop.	William Latch (executors of).	- - -	William Latch (executors of).
	8 Dwelling house and shop.	George Fothergill -	Joseph Stoodley -	Joseph Stoodley.
	9 Shop - - -	George Fothergill -	Samuel Cock. Frederick	Unoccupied.
45	10 Passage to warehouse	George Fothergill -	Samuel Cock. Frederick	Unoccupied.
	11 Dwelling house and shop.	George Fothergill -	Samuel Cock. Frederick	Unoccupied.

A.D. 1869.

READING.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Borough of Reading (Berkshire) Local Board of Health, for the Purchase of Lands by the said Board for Street Improvements. 5

WHEREAS the Local Board of Health in and for the district of the borough of Reading, in the county of Berks, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said borough, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain lands for works of street improvement within their district: 10

And whereas the said petition duly set forth in the schedule annexed thereto the lands intended to be taken by such Board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon: 15 20 25

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,— 30

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board of Health in and for the district of the borough of Reading, in the county of Berks, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement. 35

Given under my hand this fifteenth day of June One thousand eight hundred and sixty-nine. 40

(Signed) H. A. BRUCE.

A.D. 1869.

SCHEDULE referred to in the preceding Order.

The Lands proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the Plan accompanying the petition of the Local Board of Health aforesaid.

5 No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
10	1 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 16, Duke Street, Reading.	John Henry Blagrave, Esquire, Calcot Park, Tilehurst, Berks.	William Shepherd, 16, Duke Street, Reading.	William Shepherd.
15	2 Public road or highway known as the King's Road.	The Mayor, Aldermen, and Burgesses of the Borough of Reading, in the county of Berks; the Reading Local Board of Health; John Henry Blagrave, Esquire; James Holmes, Es- quire, Oxford House, Wokingham; Freder- erick Jefferies, 1, Mit- ford Place, King's Road, Reading; and, Mrs. Sophia Butt, Yew Tree Cottage, Westbury, near Bris- tol.		
20				
25				
30	3 Dwelling house commonly known as No. 7, Mitford Place, King's Road, Reading, called "York House," with the land, buildings, and appur- tenances belonging thereto.	Thomas Justins, London Street, Reading.	- - -	William Rhodes.
35				
40	4 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 6, Mitford Place, King's Road, Reading.	Catherine Sarah Weedon, Western Elms Ave- nue, Oxford Road, Reading.	- - -	Phœbe McDonald.
45	5 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 5, Mitford Place, King's Road, Reading.	Catherine Sarah Weedon	- - -	James Moses Read- ings.
50	6 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 4, Mitford Place, King's Road, Reading.	Catherine Sarah Weedon	- - -	Thomas Hobbs.
55				
60	7 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 3, Mitford Place, King's Road, Reading.	Catherine Sarah Weedon	James Messenger, 3, Mitford Place, King's Road, Read- ing.	James Messenger.
65	8 Dwelling house, shop, land, and buildings, with the appurtenances, com- monly known as No. 2, Mitford Place, King's Road, Reading.	Frederick Jefferies	- - -	James Sykes.

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No. on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
9	Dwelling house, shop, land, and buildings, with the appurtenances, commonly known as No. 1, Mitford Place, King's Road, Reading.	Frederick Jefferies	-	Frederick Jefferies. 5
10	Part of the brook or watercourse commonly known as the Holy Brook.	Richard Buncombe, Esquire, 2, Zinzan Street, Reading; Octavius Buncombe, Esquire, 2, Zinzan Street, Reading; and Timothy Lorkin Walford, Esquire, Bath Lodge, Oxford Road, Reading: the Mayor, Aldermen, and Burgesses of the Borough of Reading, and the Reading Local Board of Health.	Arthur Russell Eisdell, Castle Street, Reading, and Samuel Martin Soundy, Barrow Hill Mills, near Maldon, Essex.	Arthur Russell Eisdell and Samuel Martin Soundy. 10 15 20
11	Dwelling house, shop, warehouses, yards, garden, land, and buildings, with the appurtenances, commonly known as No. 2, High Street, Reading.	John Henry Blgrave, Esquire.	-	George Saunders. 25 30
12	Dwelling house, shop, yard, land, and buildings, with the appurtenances, commonly known as No. 3, High Street, Reading.	John Henry Blgrave, Esquire.	Henry Simonds Esquire, Caversham, Oxon; Henry John Simonds, Esquire, Caversham, Oxon; Henry Adolphus Simonds, Esquire, Ivy Lodge, Reading; and Blackall Simonds, Esquire, Grove Road, Reading.	John Adnams. 35 40
13	Dwelling house, commonly known as No. 4, High Street, Reading, called "The Saracen's Head Inn," with the gateway and room over, yards, stables, land, buildings, and appurtenances belonging thereto.	John Henry Blgrave, Esquire.	Henry Simonds, Esquire; Henry John Simonds, Esquire; Henry Adolphus Simonds, Esquire; and Blackall Simonds, Esquire.	Alfred Moxey and John Adnams. 45 50
14	Dwelling house, shop, land, and buildings, with the appurtenances, commonly known as No. 5, High Street, Reading.	John Mason Beard, Esquire, Chailey, near Lewes, Sussex.	Antrum Manual Allen, Brunswick Road, Victoria Road, Reading.	Antrum Manual Allen. 55

SOUTHPORT.

Provisional Order for extending the Borrowing Powers of the Southport Improvement Commissioners.

WHEREAS the town council of the borough of Southport in the county of
5 Lancaster, acting as improvement commissioners under the Southport Improvement Act, 1865, adopted the 77th and 78th sections of the Local Government Act, 1858, and the 19th section of the Local Government Act (1858) Amendment Act, 1861, and all or any provisions or provision of the said Local Government Acts, or either of them, or of any Act or Acts incorporated
10 therewith, relating to the borrowing of moneys necessary to the carrying out of the said sections or any of them:

And whereas the said town council propose to carry out, under the provisions of the said Southport Improvement Act, works of a permanent nature
15 within their district, but the sum that will be required to carry out the said works will, with the loans already raised under the said Improvement Act, exceed the assessable value for one year of the premises assessable under the Act within such district:

And whereas the said town council have now, under the authority of the
20 78th section of the Local Government Act, 1858, so adopted as aforesaid, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount not exceeding in the whole two years' assessable value of the premises assessable under the said Act within the district:

25 And whereas, after due inquiry and report by Robert Morgan, esquire the inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this
30 Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The town council for the borough of Southport in the county of Lancaster shall, notwithstanding anything in the said Southport Improvement Act,
35 1865, contained, have power to borrow for the execution of permanent works, under the powers of the said Act, on mortgage of the rates leviable under the said Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount not exceeding in the whole two years' assessable value of the premises assessable
40 under such Act within the aforesaid district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this twenty-third day of June one thousand
45 eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

STALYBRIDGE.

*Provisional Order for extending the Borrowing Powers of the
Stalybridge Local Board.*

WHEREAS the Town Council of the borough of Stalybridge, acting as the Local Board for the district of Stalybridge in the counties of Lancaster and Chester, 5 in which parts of the Local Government Act, 1858, and of the Acts incorporated therewith, are in force, propose to carry out works of water supply for their district, under the provisions of a certain Local Act of Parliament in force within the said district, that is to say, an Act passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled 10
 “ An Act to enable the corporations of the boroughs of Ashton-under-Lyne
 “ and Stalybridge to provide a further supply of water for those boroughs and
 “ the neighbourhood thereof respectively, and for other purposes,” but the sum that will be required to carry out the said works will, with the loans already borrowed, exceed the assessable value for one year of the premises assessable 15
 within the district :

And whereas the said Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty’s Principal Secretaries of State, to extend the limit of their borrowing power to an amount not exceeding in the whole two years’ assessable value of 20
 the premises assessable within such district :

And whereas, after due inquiry and report by Robert Morgan, Esquire, the inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament : 25

Now, therefore, in pursuance of the power vested in me as one of Her Majesty’s Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows :

That from and after the passing of any Act of Parliament confirming this present Order,— 30

The Local Board for the district of Stalybridge in the counties of Lancaster and Chester shall have power to borrow on mortgage, under the provisions of and for the purposes and upon the rates and securities mentioned in the said Local Act passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, such amount, not 35
 exceeding in the whole two years’ assessable value of the premises assessable within the aforesaid district, as they may from time to time receive the sanction of the Secretary of State to borrow ; the whole of such sums to be repaid, with interest thereon, within a period of fifty
 years from the date of the borrowing thereof. 40

Given under my hand this fifteenth day of June one thousand
 eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

WESTON-SUPER-MARE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Weston-super-Mare (Somerset) Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvements.

WHEREAS the Local Board in and for the district of Weston-super-Mare, in the county of Somerset, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the said Local Board to purchase certain pieces of land for purposes of street improvements within their district :

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purpose as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid land who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board ; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement ; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon :

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Weston-super-Mare, in the county of Somerset, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement for the purposes herein-before set forth and described.

Given under my hand this fifteenth day of June One thousand eight hundred and sixty-nine.

(Signed) H. A. BRUCE.

A.D. 1869.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the Petition of the Local Board aforesaid.

No. on Plan.	Description of Land and Buildings intended to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	5
1	About 276 superficial square feet of the north portion of the forecourt of the Victoria Hotel premises, situate in Regent Street, Weston-super-Mare, together with the boundary walls thereof.	Mark Kitchen - -	William Evans and Thomas Castle.	William Evans.	10
2	About 81 superficial square feet of the north portion of the garden lawn or forecourt of No. 1, Laura Place, situate in Regent Street, Weston-super-Mare, together with the boundary walls thereof.	William Gale - -	- - -	William Pottinger.	15
3	About 68 superficial square feet of the north portion of the garden lawn or forecourt of No. 2, Laura Place situate in Regent Street, Weston-super-Mare, together with the boundary walls thereof.	William Gale - -	- - -	Joseph John Fearncombe.	20
4	The north end of the roadway leading to Laura Buildings, situate in Regent Street at Weston-super-Mare, and containing by admeasurement about twenty-five superficial square feet.	William Gale, James Chapman, Richard Veysey, George Elers, James Dare.	-	-	25
5	About 29 superficial square feet of the north portion of the shop (Havannah House) situate in Regent Street, Weston-super-Mare, together with the boundary walls thereof.	James Dare - -	- - -	George Bull, G. F. Kitley.	30
6	About eleven superficial square feet of the forecourt (north portion) of premises adjoining the shop called Havannah House, situate in Regent Street, Weston super-Mare, together with the east boundary wall thereof.	Samuel Morgan - -	- - -	Samuel Morgan.	35
7	About nine superficial square feet of the north portion of the forecourt of the premises adjoining Bladgon House, situate in Regent Street, Weston-super-Mare.	Mary Jones and Samuel Edward Baker.	- - -	Mary Jones.	40
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No. on Plan.	Description of Land and Buildings intended to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	8 About 85 superficial square feet of the east portion of the shop or office adjoining Handel House, situate in High Street, Weston-super-Mare, including the footways in front or north thereof.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	William Seagrim.	Robert King.
10	9 The east portion of the shop or offices, including the footways in front and at the south side thereof, containing by admeasurement about 117 superficial square feet, situate in High Street at Weston-super-Mare.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	William Seagrim.	John Gough Williams.
15	10 About 576 superficial square feet of the east portion of the kitchen garden or land situate in High Street, Weston-super-Mare, together with the boundary walls thereof.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock and Edward Poole.	William Seagrim.	John Gough Williams.
20	11 About 144 superficial square feet of the east portion of the lawn of Spring Cottage, the pump house, and boundary walls and footway thereof respectively, situate in High Street, at Weston-super-Mare.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	William Seagrim.	John Gough Williams.
25	12 Shop and offices adjoining Spring Cottage, situate in High Street, at Weston-super-Mare, and the footpath in front thereof, containing by admeasurement, together about 182 superficial square feet.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	William Seagrim and John Gough Williams.	Peter Marshall.
30	13 Shop, cottage, courtlage, passage, and outbuildings adjoining Spring Cottage, together with the footways in front thereof, situate in High Street at Weston-super-Mare, containing by admeasurement about 487 superficial square feet.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	" " "	Samuel Sperin.
35	14 Cottage and passage situate in High Street, Weston-super-Mare, containing by admeasurement about 195 superficial square feet.	Cornelius Hancock Poole (as the trustee and executor under the will of the late Mary Hancock deceased), Elizabeth Hancock, and Edward Poole.	William Seagrim.	Robert Derrick.
40	15 A portion of the east end of the roadway and carriage way leading to Verandah House, and a portion of the east end of the lawn, entrance pillars, boundary walls, and railings thereof, containing about 457 superficial square feet, situate in High Street, Weston-super-Mare.	Lucy Fisher, John Thomas Fisher, Lucy Ann Fisher, Charles Edward Fisher, Emily Augusta Fisher, Agnes Day, and Henry Arundell Day.	John B. Parsons.	John B. Parsons, Dr. Hood.
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A.D. 1869.

No. on Plan.	Description of Land and Buildings intended to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
16 & 17	A portion of the east end of a field or garden situate in High Street, and a portion of the north end of the same field or garden situate in South Parade, Weston-super-Mare, and containing together by admeasurement about 4,231 superficial square feet.	Thomas Rogers - -	- - -	Thomas Rogers.	5
					10
18	The south portion of the garden or land of the premises of the Bath Hotel, situate in the South Parade, Weston-super-Mare, and containing by admeasurement about 102 superficial square feet.	Thomas Rogers - -	- - -	Thomas Rogers.	15
19	The south portion of the front garden of No. 7, South Parade, Weston-super-Mare, containing by admeasurement about 57 superficial square feet.	Mr. Wonnacott - -	- - -	Robert Withers.	20
20	The south portion of the front garden of No. 6, South Parade, Weston-super-Mare, containing by admeasurement about 65 superficial square feet.	Samuel Shaddick - -	Phoebe Fidler	Phoebe Fidler.	25
21	The south portion of the front garden of No. 5, South Parade, Weston-super-Mare, containing by admeasurement about 60 superficial square feet.	Samuel Norton - -	- - -	Sarah Marian Smith.	30
22	The south portion of the front garden of No. 4, South Parade, Weston-super-Mare, containing by admeasurement about 60 superficial square feet.	Lucy Fisher, John Thomas Fisher, Lucy Ann Fisher, Charles Edward Fisher, Emily Augusta Fisher, Agnes Day, and Henry Arundell Day.	- - -	Edward Thris-sell Dew.	35
23	The south portion of the front garden of No. 3, South Parade, Weston-super-Mare, containing by admeasurement about 61 superficial square feet.	Lucy Fisher, John Thomas Fisher, Lucy Ann Fisher, Charles Edward Fisher, Emily Augusta Fisher, Agnes Day, and Henry Arundell Day.	- - -	Mary Jones.	40
24	The south portion of the front garden of No. 2, South Parade, Weston-super-Mare, and the boundary walls thereof, containing by admeasurement about 62 superficial square feet.	Stuckey's Banking Company.	- - -	Void.	45
					50
25	The south-west portion of the front garden and pavement or footway of No. 1, South Parade, Weston-super-Mare, (West of England banking premises,) together with the boundary wall thereof, containing by admeasurement about 38 superficial square feet.	The West of England and South Wales Banking Company.	- - -	Ernest Burdon, Bradley George.	55
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A.D. 1869.

No. on Plan.	Description of Land and Buildings intended to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	26 The south portion of the privy, backhouse or outbuilding, and courtlage, situate in Waterloo Street at Weston-super-Mare, and containing by admeasurement about 20 superficial square feet.	Frederick Jessop - -	- - -	Mary Marshall.
10	27 A portion of the front garden or courtlage and footway of the south and west sides of No. 1, Orchard Place, situate in Little Orchard Street and Railway Parade Road, and containing by admeasurement about 45 superficial square feet.	Mark Kitchen - -	- -	Mark Kitchen.
15				
20	28 The south portion of the front garden or forecourt of No. 8, Albert Buildings, Weston-super-Mare, containing by admeasurement about 34 superficial square feet.	Samuel Harvey - -	- - -	Samuel Harvey.
25	29 The south portion of the front garden or forecourt of No. 9, Albert Buildings, Weston-super-Mare, containing by admeasurement about 163 superficial square feet.	John Davis Weston -	Miss Ford -	Miss Ford.
30				

Local Government Supplemental (No. 2).

A

B I L L

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Abergystwith, Ashton-under-Lyne, Bath, Cleckheaton, Crompton, Newport (Monmouthshire), Reading, Southport, Stalybridge, and Weston-super-Mare; and for other purposes relative to the district of Gorleston and Southtown.

*(Prepared and brought in by
Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.)*

*Ordered, by The House of Commons, to be Printed,
1 July 1869.*

[Bill 192.]

Under 3 oz.

A
B I L L

TO

Enable Corporate and other Public Bodies in Ireland to grant A.D. 1869.
Superannuation Allowances to Officers in their Service in
certain cases.

WHEREAS it is expedient that provision should be made to Preamble.
enable superannuation allowances to be granted to corporate
and other local public officers in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and with
5 the advice and consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the autho-
rity of the same, as follows :

1. The various public bodies named in the schedule to this Act Public
annexed may, at their discretion, with the consent of the Lord Lieu- bodies in
10 tenant or other Chief Governor of Ireland, grant to any officer in Ireland, with
their service who shall become incapable of discharging the duties consent of
of his office with efficiency, by reason of permanent infirmity of Lord Lieu-
mind or body, or of old age, upon his resigning or otherwise tenant, may
15 any case *two thirds* of his then salary and emoluments, and grant super-
shall charge such allowance to the same fund as that to which annuation
such salary and emoluments would have been charged if he had allowances
continued in his office. to their
officers.

2. No officer shall be entitled to such allowance on the ground No officer
20 of age who shall not have completed the full age of *sixty* years, under age
and who shall not have served as an officer of the public body of sixty to
hereby authorized to grant such allowances *twenty* years at the be entitled to
least. such allow-
ance, nor
unless he
shall have
a service of
twenty years.

3. No grant shall be valid under this Act if made by a public Conditions
25 body meeting from time to time, unless it shall be sanctioned of grant.
by two meetings of such body, the second meeting to be at an
interval of not less than *one month* from the first, and unless at
the second meeting the sanction of the Lord Lieutenant or other
[Bill 87.]

A.D. 1869. Chief Governor of Ireland, signified in writing by the Chief or Under Secretary of Ireland for the time being, to such proposed superannuation, shall be produced and laid before the same.

The collector general of rates in Dublin and his officers may be superannuated.

4. The Lord Lieutenant or other Chief Governor of Ireland may, at his discretion, grant a superannuation allowance to the collector general of rates in Dublin, and to the officers employed in the office of the said collector general; but such superannuation allowance shall in no case exceed the amount which public bodies are hereby authorized to grant to officers in their service, and shall be subject to the same restrictions as to mental and bodily infirmity, age, and service as is herein-before provided with respect to grants by public bodies to officers in their service under this Act; and in case of the grant of any such superannuation allowance it shall be lawful for the collector general of rates in Dublin for the time being to add such superannuation allowance to the expenses of the management of his office, and to charge the same in the same manner and on the same funds as he is now authorized by law to charge said expenses; and such superannuation allowance shall be a charge on said funds, in addition to any sum he is now by law entitled to charge on the same.

The officers of the auditor of county treasurers accounts may be superannuated.

5. The Lord Lieutenant or other Chief Governor of Ireland may, at his discretion, grant a superannuation allowance to the officers employed in the office of the auditor of county treasurers accounts; but such superannuation allowance shall in no case exceed the amount which public bodies are hereby authorized to grant to officers in their service, and shall be subject to the same restrictions as to mental and bodily infirmity, age, and service as is herein-before provided with respect to grants by public bodies to officers in their service under this Act; and in case of the grant of any such superannuation allowance to any of the officers employed in the office of the said auditor, it shall be lawful for the Lord Lieutenant or other chief governor of Ireland to charge same on the fee fund on which the salaries of such officers are charged.

Superannuation allowances not to be assignable.

Act not to affect right to superannuation under other Acts.

6. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities.

7. Nothing herein contained shall affect the right of any officer of any of the public bodies in the schedule to this Act mentioned who may be entitled to any superannuation allowance under any other Act or Acts; but after the decease of any such officer his successor shall cease to be entitled to any superannuation allowance under any former Act, and shall only be entitled to claim and be paid superannuation allowance under this Act.

8. In the construction of this Act the word "salary" shall include any remuneration an officer may be entitled to, including poundage, per-centage, or other equivalent for wages or salary; and the words "public body" shall mean the public bodies named
5 in the schedule to this Act annexed.

A.D. 1869.
Construction
of Act.

9. This Act shall be called "The Local Officers Superannuation Act (Ireland), 1869."

Title of this
Act.

S C H E D U L E.

- 10 Names of public bodies authorized by this Act to grant superannuation allowances to their officers.
1. The Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin.
 2. The Mayor, Aldermen, and Burgesses of the several boroughs or towns corporate in Ireland.
 - 15 3. The Town Commissioners acting under the 9 Geo. 4. c. 82., or the 17 & 18 Vict. c. 103., or any Acts amending the same, in any town in Ireland.
 4. Any board or commissioners acting in any town or county in Ireland under any local Act.

Local Officers Super- annuation (Ireland).

A

B I L L

To enable Corporate and other Public
Bodies in Ireland to grant Super-
annuation Allowances to Officers in
their Service in certain cases.

(*Prepared and brought in by
Mr. Pim and Sir John Gray.*)

*Ordered, by The House of Commons, to be Printed,
20 April 1869.*

[Bill 87.]

Under 1 oz.

A
B I L L

TO

Enable Lord Napier of Magdala to receive the full benefit of the salary of member of council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an annuity granted to him under the Act thirty-one and thirty-two Victoria, chapter ninety-one. A.D. 1869.

WHEREAS by an Act passed in the session held in the thirty-first and thirty-second years of Her Majesty's reign, and entitled "An Act to settle an Annuity upon Lieutenant-General " Sir Robert Napier, G.C.B., G.C.S.I.," (now Baron Napier of Magdala), it is provided that an annuity of two thousand pounds should be payable out of the consolidated fund to the said Baron Napier of Magdala for the term of his natural life: Preamble.

And whereas the said Baron Napier of Magdala is a member of council of the Presidency of Bombay:

10 And whereas by an Act passed in the session held in the third and fourth years of the reign of His late Majesty King William the Fourth, entitled "An Act for effecting an arrangement with the East India " Company, and for the better government of His Majesty's Indian " Territories, till the thirtieth day of April one thousand eight hun-
15 " dred and fifty-four," it was amongst other things provided that if any governor general, governor, or ordinary member of the council of India, or any member of the council of any presidency, should hold or enjoy any pension, salary, or any place, office, or employment of profit under the Crown, the salary of his office as member of council
20 should be reduced by the amount of the pension, salary, annuity, or profits of office so held by him:

And whereas it is deemed fit and proper, in consideration of the services of the said Baron Napier of Magdala, to make such provision as is herein-after contained:

25 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

[Bill 57.]

A.D. 1869.

Power to the
Government of
India to pay to
Lord Napier of
Magdala the
full amount of
his salary as
member of
council for the
Presidency of
Bombay, with-
out reduction
in respect of
the annuity
payable to him
under
31 & 32 Vict.
chap. 91.

Notwithstanding anything in the said Act or any other Act of Parliament contained, it shall be lawful for the Government of India to pay, and for the said Baron Napier of Magdala to receive, such salary as may be paid to him in respect of his office as member of the council of the Presidency of Bombay, or in respect of any office which he may hereafter hold to which the said recited provision of the last-mentioned Act may apply, so long as he continues to hold the same, without any reduction being made thereof in respect of the annuity payable to him under the said first-recited Act; and all payments of such salary as may have taken place before the passing of this present Act are hereby declared subject to no such reduction. 5 10

Lord Napier's Salary.

A

B I L L

To enable Lord Napier of Magdala to receive the full benefit of the salary of member of council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an annuity granted to him under the Act thirty-one and thirty-two Victoria, chapter ninety-one.

(*Prepared and brought in by*
Mr. Dodson, Mr. Grant Duff, and
Mr. Stansfeld.)

Ordered, by The House of Commons, to be Printed,
16 March 1869.

[Bill 57.]

Under 1 oz.

A

B I L L

TO

Render legal Marriage with a deceased Wife's Sister.

A.D. 1869.

WHEREAS it is expedient to amend the Law as to marriage with a deceased wife's sister :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No marriage between a man and his deceased wife's sister which has been celebrated since the passing of the fifth and sixth of William the Fourth, chapter fifty-four, at any place whatsoever
 10 within the realm or without, or which shall hereafter be celebrated in the office of any registrar under the provisions of the Acts relating to marriages in England and Ireland, shall be deemed to have been nor shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute or of
 15 any canonical or other objection or impediment founded only on such affinity to the validity of any such marriage or to the celebration thereof, or to the validity of any licence or certificate under which the same may have been celebrated; and the registers of all such marriages or authenticated copies thereof shall be
 20 received in all courts of law and for all purposes as evidence of such marriages respectively.

Marriages with deceased wife's sister before the passing of this Act not to be void or voidable, and such marriages to be legal in future.

2. Provided always, that nothing herein contained shall render
 valid any marriage with the sister of a deceased wife where either
 of the parties has afterwards, during the life of the other and before
 25 the passing of this Act, lawfully intermarried with any other person.

Excepted cases.

3. Provided also, that this Act, so far as it relates to any marriage with the sister of a deceased wife contracted before the passing of this Act, shall not invalidate or affect any right to any dignity or title of honour, or any estate, right, title, or interest, legal or
 30 equitable, in or to any lands, hereditaments, chattels or effects, vested in any person before the passing of this Act, nor any contingent estate or interest, legal or equitable, in any lands, heredita-

Provision for saving rights.

[Bill 23.]

A.D. 1869. — ments, chattels real, chattels or effects, created by or derived from any settlement, grant, conveyance to uses, release, appointment, or other instrument bonâ fide executed before the passing of this Act, or by or from any devise or will which shall have become operative by the death of the deviser or testator before the passing of this 5 Act.

No marriage with deceased wife's sister hereafter contracted in Scotland to be void by reason of affinity.

Extent of Act.

4. No marriage between a man and his deceased wife's sister contracted in Scotland after the passing of this Act shall be void by reason only of the affinity of the parties thereto, or by reason of any statute or of any objection or impediment founded only on 10 such affinity to the validity of such marriage or to the contracting thereof.

5. Clause four only of this Act shall extend to Scotland.

Marriage with a deceased Wife's Sister.

A

BILL

To render legal Marriage with a
deceased Wife's Sister.

(Prepared and brought in by
Mr. Thomas Chambers and Mr. Morley.)

*Ordered, by The House of Commons, to be Printed,
26 February 1869.*

[Bill 23.]

Under 1 oz.

A

B I L L

TO

Amend the Law with respect to the Property of Married Women. A.D. 1869.

WHEREAS the law of property and contract with respect to married women is unjust in principle, and presses with peculiar severity upon the poorer classes of the community, and ought therefore to be altered :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. A married woman shall be capable of holding, acquiring,
10 alienating, devising, and bequeathing real and personal estate, of contracting, and of suing and being sued, as if she were a feme sole.

Married woman to be capable of holding property and of contracting as a feme sole.
Property of women married after the Act to be held by them as if unmarried.

2. Every woman who marries after this Act has come into operation shall, notwithstanding her coverture, have and hold
15 all real and personal property, whether belonging to her before marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried.

3. Every woman married before this Act has come into opera-
20 tion shall, notwithstanding her coverture, have and hold all the real and personal estate, her title to which shall accrue after this Act shall have come into operation, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried ; but nothing herein
25 contained shall exempt any such property from the operation of any settlement or covenant to which it would have been subject if this Act had not passed, or shall prejudice any vested rights or interest to which her husband may be entitled at the date at which this Act comes into operation.

Property acquired after the Act by women married before the Act to be held by them as if unmarried.

[Bill 20.]

The earnings of a married woman to be her personal estate.

Husband not to be liable on his wife's contracts before marriage, or on her torts.

Distribution of personal estate of a married woman dying intestate.

Reservation of tenancy by curtesy.

Questions between husband and wife as to chattels to be decided in a summary way.

Husband's liability to account for wife's income and personalty.

4. The earnings of a married woman in any trade or other occupation carried on by her separately from the trade or other occupation of her husband shall be deemed to be her personal estate.

5. A husband shall not be liable for the debts of his wife contracted before marriage, and shall not be liable in damages for any wrong committed by her.

6. Upon the death of a wife intestate her husband shall take the same distributive share in her personal estate as a wife would take in the personal estate of her husband if he died intestate, and, subject thereto, her personal estate shall go as it would have gone if her husband had predeceased her.

7. Nothing contained in this Act shall affect the right of any husband to hold his wife's real estate as tenant by curtesy.

8. In any question between husband and wife as to the title to or possession of personal property, either party may apply by petition in a summary way to any judge of the High Court of Chancery, or (at the option of the petitioner irrespectively of the value of the property in dispute) to the judge of the county court of the district in which either party resides, and the judge of the High Court of Chancery or of the county court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit, or may direct such petition to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Chancery to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending in the said court would be, and any order of a county court judge under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge on an equitable plaint would be; provided also, that the judge of the High Court of Chancery or of the county court shall, if either party so require, be bound to hear such application in his private room.

9. When a wife having real or personal estate has allowed her husband to receive the rents and profits, or to use and dispose of the personalty, the husband shall not be held liable to account for such rents, profits, or personalty for any period during which he has so received and disposed of them.

10. Nothing in this Act contained shall prevent any settlement being made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached 5 or to be hereafter attached to the enjoyment of any property or income by a wife under any settlement, agreement for a settlement, will, or other instrument; but no settlement or agreement for a settlement of a wife's own property to be made or entered into by herself, and no restriction against anticipation contained in any 10 such settlement or agreement for a settlement, shall (unless such settlement or agreement for a settlement have been made before marriage) have any greater force or validity against creditors of such wife than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.
11. Any woman during her minority may, with the consent of 15 her parent or guardian and of her intended husband, make or enter into any settlement or agreement for a settlement in contemplation of marriage, and the settlement or agreement for a settlement so made or entered into shall be as binding upon her, and 20 those claiming under her, as if she had been of full age at the date thereof; and where in any settlement or agreement for a settlement made in consideration of marriage before the first day of January one thousand eight hundred and sixty-nine, the wife or intended wife being at the date thereof a minor, the husband or 25 intended husband may have covenanted or agreed to settle the after-acquired property of such wife or intended wife, such covenant or agreement shall, after the first day of January one thousand eight hundred and sixty-nine, be binding on and shall be enforceable during the marriage against the wife, and those 30 claiming under her, as if she had herself entered into it under the powers by this Act conferred.
12. This Act shall come into operation on the first day of January one thousand eight hundred and seventy.
13. This Act shall not extend to Scotland.
14. This Act may be cited as the "Married Women's Property 35 Act, 1869."

A.D. 1869.

—
Saving of
existing set-
tlements, and
power to
make future
settlements.

Power to
women,
during mi-
nority, to
make binding
settlements.

Saving of
husband's
covenants
for settle-
ment of after-
acquired
property of
wife.

Commence-
ment of Act.

Act not to
extend to
Scotland.

Short Title
of Act.

Married Women's Property.

A

B I L L

To amend the Law with respect to the
Property of Married Women.

(Prepared and brought in by
Mr. Russell Gurney, Mr. Headlam, and
Mr. Jacob Bright.)

*Ordered, by The House of Commons, to be Printed,
25 February 1869.*

[Bill 20.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law with respect to the Property of Married A.D. 1869.
Women.

WHEREAS it is desirable to amend the law of property and contract with respect to married women :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. A married woman shall be capable of holding, acquiring, alienating, devising; and bequeathing real and personal estate, of contracting, and of suing and being sued, as if she were a feme sole.

Married woman to be capable of holding property and of contracting as a feme sole.

Provided, that nothing herein contained shall empower a married woman to dispose otherwise than by will of any freehold or copyhold hereditaments, or any money subject to be invested in the purchase of freehold or copyhold hereditaments, or any future or reversionary interest, whether vested or contingent, in personalty, or to release or extinguish any power which may be vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the power of disposition now vested in married women over all such hereditaments and other property shall remain the same as if this Act had not passed.

2. No woman shall be liable to be taken in execution upon any judgment founded upon a contract made or act done by her during coverture, and no such judgment or execution thereon shall bind or affect any property except such personal estate (if any) as she may be possessed of or entitled to for a present interest during her coverture.

Married women not to be taken in execution.

3. Every woman who marries after this Act has come into operation shall, notwithstanding her coverture, have and hold all real and personal property, whether belonging to her before the Act to

Property of women married after the Act to

[Bill 122.]

A

be held by
them as if
unmarried.

marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried.

Property ac-
quired after
the Act by
women mar-
ried before
the Act to be
held by them
as if unmar-
ried.

4. Every woman married before this Act has come into operation shall, notwithstanding her coverture, have and hold all the 5
real and personal estate, her right to which shall arise after
this Act shall have come into operation, free from the debts and
obligations of her husband, and from his control or disposition, in
all respects as if she had continued unmarried; but nothing herein
contained shall exempt any such property from the operation of 10
any settlement or covenant to which it would have been subject if
this Act had not passed, or shall prejudice any rights or interest
to which her husband or any person claiming through him may be
entitled at the date at which this Act comes into operation.

The earn-
ings of a
married
woman to be
her property.

5. The earnings of a married woman in any trade or other
occupation carried on by her as a principal separately from her 15
husband shall be deemed to be her property acquired after marriage.

Husband not
to be liable
on his wife's
contracts
before mar-
riage.

6. A husband shall not by reason of any marriage which shall
take place after this Act has come into operation be liable for the
debts of his wife contracted before marriage, but the wife shall be 20
liable for such debts as if she had continued unmarried.

Husband not
to be liable
for his wife's
torts.

7. No husband shall by reason of the marriage be liable in
damages for any wrong committed by his wife during the coverture.

Restrictions
as to actions
between
husband and
wife.

8. No husband or wife shall be entitled to sue the other in any 25
action at law for a tort, except in respect of property; and in case
any action shall be brought by one against the other, it shall be
competent for any judge of the court in which such action shall be
brought, on the application in a summary way of the defendant, in
case such judge shall think such action frivolous or vexatious, to 30
stay the proceedings thereon, either absolutely or upon such terms as
to costs and otherwise as he shall think just.

Husband and
wife to be
sued together
when either
contracts as
agent for the
other.

9. If a wife shall contract a debt as the agent of her husband,
she shall be liable to be sued for the same, together with him, but
as between the husband and wife she shall be deemed his surety, 35
and shall be entitled to the same remedy over against her husband
for indemnity, as in the ordinary case a surety has against the
principal debtor; and if a husband shall contract a debt as the agent
of his wife, he shall be liable to be sued for the same, together with
her, but as between husband and wife he shall be deemed her 40
surety, and shall be entitled to the same remedy over against her

for indemnity, as in the ordinary case a surety has against the principal debtor. A.D. 1869.

10. In any question between husband and wife as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to any judge of the High Court of Chancery, or (at the option of the applicant irrespectively of the value of the property in dispute) to the judge of the county court of the district in which either party resides, and the judge of the High Court of Chancery or of the county court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Chancery to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending in the said court would be, and any order of a county court judge under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge on an equitable plaint would be; provided also, that the judge of the High Court of Chancery or of the county court, if either party so require, may hear such application in his private room.

Questions between husband and wife as to chattels to be decided in a summary way.

11. When a wife having real or personal estate has allowed her husband to receive the rents and profits or income thereof, the husband shall not by force of such receipt be held liable to account for such rents, profits, or income.

Husband's liability to account for wife's income and personalty.

12. Where the husband of any woman having property of her own becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband as by the thirty-third section of "The Poor Law Amendment Act, 1868," they may now make and enforce against a husband for the maintenance of his wife, who becomes chargeable to any union or parish.

Married woman to be liable to the parish for the maintenance of her husband.

13. A married woman having property of her own shall be subject to all such liability, for the maintenance of her children, as a widow is now by law subject to for the maintenance of her children: Provided always, that nothing in this Act shall relieve her husband from any liability at present imposed upon him by law to maintain her children.

Married woman to be liable to the parish for the maintenance of her children.

Saving of
existing set-
tlements, and
power to
make future
settlements.

14. Nothing in this Act contained shall interfere with or affect any settlement, agreement for a settlement, or other instrument made or to be made, whether before or after marriage, respecting the property of any married woman, or especially shall interfere with or render inoperative any restriction against anticipation at present 5 attached or to be hereafter attached to the enjoyment of any property or income by a wife under any settlement, agreement for a settlement, will, or other instrument; but no settlement or agreement for a settlement of a wife's own property to be made or entered into by herself, and no restriction against anticipation contained in any 10 such settlement or agreement for a settlement, shall (unless such settlement or agreement for a settlement have been made before marriage) have any greater force or validity against creditors of such wife than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors. 15

Married
women's
separate
estate to
be liable for
her contracts.

15. Property, whether real or personal, settled to the separate use of a married woman, without restraint against anticipation, shall be subject in equity to the same liabilities as her personal property in possession not so settled would be subject at law under the provisions of this Act. 20

Power to
women,
during mi-
nority, to
make binding
settlements.

16. Any woman during her minority may, with the consent of her parent or guardian and of her intended husband, make or enter into any settlement or agreement for a settlement in con-templation of marriage, and the settlement or agreement for a settlement so made or entered into shall be as binding upon her, and 25 those claiming under her, as if she had been of full age at the date thereof.

Distribution
of personal es-
tate of a mar-
ried woman
dying intes-
tate.

17. Upon the death of a wife intestate her husband shall take the same distributive share in her personal estate as a wife would take in the personal estate of her husband if he died intestate, and, 30 subject thereto, her personal estate shall go to her next of kin according to the Statute of Distributions.

Reservation
of tenancy
by curtesy.

18. Nothing contained in this Act shall affect the right of any husband to hold as tenant by the curtesy any real estate to which his wife shall be entitled at her death. 35

Commence-
ment of Act.
Act not to
extend to
Scotland.
Short Title
of Act.

19. This Act shall come into operation on the first day of January one thousand eight hundred and seventy.

20. This Act shall not extend to Scotland.

21. This Act may be cited as the "Married Women's Property Act, 1869."

Married Women's Property.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law with respect to the
Property of Married Women.

(Prepared and brought in by
Mr. Russell Gurney, Mr. Headlam, and
Mr. Jacob Bright.)

Ordered, by The House of Commons, to be Printed,
13 May 1869.

[Bill 122.]

Under 1 oz.

A
B I L L

TO

Provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland. A.D. 1869.

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to medical officers of poor law unions in Ireland, and of dispensary districts of such unions, who become disabled, either by infirmity or age, to discharge the duties of their offices : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. That the board of guardians of any union in Ireland may, at their discretion, with the consent of the commissioners for administering the laws for relief of the poor in Ireland, grant to any medical officer or medical officers of such union, or of any dispensary district in such union, who shall have been appointed
15 as such officer or officers, and who shall, at any time after his or their appointment, become incapable of discharging the duties of his or their office with efficiency by reason of infirmity of mind or body or of old age, upon his or their resigning or otherwise ceasing to hold his or their office or offices, such annual allowance
20 for his or their life or lives, not exceeding in any case *two thirds* of the income derived by such officer or officers from his said office, as to the said board of guardians shall seem fit, and shall charge such officer or officers' allowance to the same account as that to which such salary or salaries would have been charged if continued
25 in his or their office or offices.

Power to guardians, with consent of poor law commissioners, to grant superannuation allowance to medical officers in certain cases.

2. In estimating such income it shall be lawful to compute, not only the salary payable to any such medical officer at the time of his resigning or otherwise ceasing to hold his office, but also all such fees derivable by such officer from his said office under the
30 authority of any Act of Parliament, or which shall have been sanctioned by the said commissioners ; the annual amount of such fees to be ascertained by the average amount thereof for the *three*

Mode of estimating the income of medical officer.

[Bill 48.]

A.D. 1869.

years next preceding the time of such resignation or ceasing to hold the said office : Provided that if any such medical officer shall not have held his office for the period of *three years*, then the annual amount of such fees shall be ascertained by the average of the fees derived by such officer and the next preceding officer or officers for 5 the period of *three years* prior to the time of such resignation or ceasing to hold the said office.

Such allowance
not to be as-
signable, &c.

3. Such allowance shall be payable to or in trust for such officer only, and shall not be assignable or chargeable with his debts or other liabilities. 10

Notice of grant
to be given to
guardians.

4. No grant shall be made without *one month's* previous notice, to be specially given in writing to every guardian of the union, of the proposal to make such grant, and the time when it shall be brought forward.

Making of the
grant not com-
pulsory.

5. Nothing herein contained shall make it compulsory upon the 15 board of guardians of any union to grant any such allowance to any such medical officer.

No grant to be
effectual or
commence until
sanctioned by
commissioners.

6. No such grant made as aforesaid shall be effectual or com-
mence to be payable to such officer unless and until the same shall
have been sanctioned by the said commissioners, and shall be 20
effectual for such amount only as the said commissioners shall
approve.

The words
"medical officer"
shall include
surgical officer.

7. In the construction of this Act the words "medical officer" shall include surgical officer.

Not to affect
the right of
medical officer
under any other
Act or Acts.

8. Nothing herein contained shall affect the right of any medical 25
officer who may be entitled to any superannuation allowance under
any other Act or Acts.

Interpretation
of words herein
used.

9. The words herein used shall be interpreted in the manner
prescribed by the Acts in force for the relief of the destitute poor in
Ireland. 30

Short title.

10. This Act shall be called "The Medical Officers Superan-
nuation Act (Ireland), 1869."

Medical Officers Super- annuation (Ireland).

A

B I L L

To provide for Superannuation Allow-
ances to Medical Officers of poor law
unions, and of dispensary districts of
such unions, in Ireland.

*(Prepared and brought in by
Mr. Brady, Mr. Tim, and Mr. Grant Hamilton.)*

*Ordered, by The House of Commons, to be Printed,
11 March 1869.*

[Bill 48.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland. A.D. 1869.

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to medical officers of poor law unions in Ireland, and of dispensary districts of such unions, who become disabled, either by infirmity or age, to discharge the duties of their offices : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. That the board of guardians of any union in Ireland may, at their discretion, with the consent of the commissioners for administering the laws for relief of the poor in Ireland, grant to any medical officer, including in that term a surgical officer, of such union, or of any dispensary district in such union, an annual allowance,
- 15 under and subject to the provisions of the Act to provide for superannuation allowances to officers of the union in Ireland, passed in the twenty-eighth year of the reign of Her Majesty, notwithstanding such medical officer shall not have devoted his entire time to the services of the union, and such allowance shall be paid out of the
- 20 rates of the union exclusively.

Power to guardians, with consent of poor law commissioners, to grant superannuation allowance to medical officers in certain cases.

2. This Act shall be called "The Medical Officers Superannuation Act (Ireland), 1869." Short title.

Medical Officers Super- annuation (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland.

*(Prepared and brought in by
Mr. Brady, Mr. Finn, and Mr. Trawan Hamilton.)*

*Ordered, by The House of Commons, to be Printed,
29 June 1869.*

[Bill 185.]

Under 1 oz.

Merchant Shipping and Navigation Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title of Act.
2. Interpretation of certain terms in this Act.
3. Commencement of Act.
4. Exemption of Her Majesty's ships.
5. Division of Act.

PART I.

BRITISH SHIPS : THEIR OWNERSHIP AND REGISTRATION.

- | | |
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| 6. Application of Part. | 17 & 18 Vict. c. 104. s. 17. |
| 7. Definition of British ships. | |
| 8. Exclusive description of owners of British ships. | „ „ s. 18. |
| 9. Obligation of registration with the exception of ships in schedule. | „ „ s. 19. |
| 10. Her Majesty in Council may alter first schedule. | |
| 11. Recognition of British ships. | „ „ s. 19. |
| 12. Consequences of non-recognition as British ship. | „ „ s. 100. |
| 13. Production of certificate before clearance granted. | „ „ s. 19. |

Measurement of Tonnage.

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|---|-----------------------------|
| 14. Gross tonnage. Register tonnage. | |
| 15. Penalty for carrying goods in such space. | „ „ ss. 20. 24. |
| 16. Alteration of tonnage regulations. | „ „ s. 29. |
| 17. Surveyors and regulations for measurement of ships. | „ „ s. 29. |
| 18. Ships of foreign countries adopting tonnage regulations of Act need not be re-measured. | 25 & 26 Vict. c. 63. s. 60. |

Clauses.

19. Ships measured under Rule II. may be measured under Rule I.
20. Tonnage when once ascertained to be ever after deemed the tonnage.
21. Remeasurement of ships registered before Act.

17 & 18 Vict. c. 104. s. 27.

Registry of British Ships.

22. Her Majesty in Council may declare who are to be registrars.
23. Persons in third schedule to be registrars of British ships until varied by Order in Council.
24. Registrar to keep register book.
25. Application for registration by whom to be made.
26. Measuring survey of ship.
27. Name of ship.
28. Number of tonnage, &c. to be carved on beam.
29. Port of registry.
30. Substitution of governor for Commissioners of Customs.
31. Her Majesty may make foreign port a port of registry in certain cases.
32. Entries in register book.
33. Declaration of ownership by individual or for body corporate.
34. Evidence on first registration.
35. Penalty for false certificate by builder.
36. Particulars of entry in register book.
37. No notice of trusts.
38. Equities not excluded by this Act.
39. Registrar to retain documents.
40. Court may amend register.

Mer. Shipping Colonial Act,
1869, s. 6.

17 & 18 Vict. c. 104. s. 30.

" " s. 32.

" " s. 35.

" " s. 36.

" " s. 34.

" " s. 25.

" " s. 33.

" " s. 31.

" " s. 37.

" " ss. 38, 39.

" " s. 40.

" " s. 41.

" " s. 42.

" " s. 43.

25 & 26 Vict. c. 63. s. 3.

17 & 18 Vict. c. 104. s. 61.

Certificate of Registry.

41. Certificate of registry.
42. Indorsement of change of ownership on certificate.
43. Indorsement of change of master on certificate.
44. Power to grant new certificate.
45. Provision for loss of certificate.

" " s. 44.

" " s. 45.

" " s. 46.

" " s. 47.

" " ss. 48, 49.

Clauses.

46. Delivery of provisional certificate.	17 & 18 Vict. c. 104. s. 49.
47. Custody of certificate.	„ „ ss. 50, 51.
48. Penalty for use of improper certificate.	„ „ s. 52.
49. Delivery up of certificate of ship lost or ceasing to be British-owned.	„ „ s. 53.
50. Provisional certificate for ships becoming British-owned abroad.	„ „ s. 54.
51. Terminable certificates of registry may be granted in colonies.	Merchant Shipping Act, 1868.
52. Power for commissioners or governor in special cases to grant a pass to a ship not registered.	17 & 18 Vict. c. 104. s. 98.

Transfers and Transmissions.

53. Transfer of ships or shares.	„ „ s. 55.
54. Declaration by transferee.	„ „ s. 56.
55. Register of transfer.	„ „ s. 57.
56. Transmission of property by death, bankruptcy, marriage, &c.	„ „ ss. 58-60.
57. On transmission to unqualified person: order for sale.	„ „ ss. 62, 64.
58. Power of court to prohibit transfer.	„ „ s. 65.

Mortgages.

59. Mortgage of a ship or share.	„ „ s. 66.
60. Registration of mortgages in order of time.	„ „ s. 67.
61. Entry of discharge of mortgage.	„ „ s. 68.
62. Priority of mortgages.	„ „ s. 69.
63. Mortgagee not to be owner.	„ „ s. 70.
64. Mortgagee to have power of sale.	„ „ s. 71.
65. Mortgage not affected by bankruptcy.	„ „ s. 72.
66. Transfer of mortgages.	„ „ s. 73.
67. Transmission of interest in mortgage by death, bankruptcy, or marriage.	„ „ ss. 74, 75.

Certificates of Mortgage and Sale.

68. Powers of mortgage and sale may be conferred by certificate.	
69. Requisites for certificates of mortgage and sale.	„ „ s. 77.
70. Restrictions on certificates of mortgage and sale.	„ „ s. 78.

Clauses.

71. Forms of certificates of mortgage and sale.	17 & 18 Vict. c. 104. s. 79.
72. Rules as to certificates of mortgage.	„ „ s. 80.
73. Rules as to certificates of sale.	„ „ s. 81.
74. Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.	„ „ s. 82.
75. Revocation of certificates of mortgage and sale.	„ „ s. 83.

Registry anew, and Transfer of Registry.

76. Alteration in ship to be registered.	„ „ s. 85.
77. On alteration registry anew may be required.	„ „ „
78. Grant of provisional certificate in respect of alteration.	„ „ s. 86.
79. Consequence of omission to register anew.	„ „ s. 88.
80. On change of owners, registry anew may be granted if required.	„ „ s. 89.
81. Registry may be transferred from port to port.	„ „ s. 90.
82. Manner of transfer of registry.	„ „ s. 91.
83. Transfer of registry not to affect rights of owners.	18 & 19 Vict. c. s. 12.
	17 & 18 Vict. c. 104. s. 91.

Registry. Miscellaneous.

84. Declarations before whom to be made.	
85. Indemnity to registrar.	„ „ s. 93.
86. Return to be made by registrars to Commissioners of Customs.	„ „ s. 94.
87. Inspection of register books.	„ „ s. 92.
88. Application of fees.	„ „ s. 95.
89. Instruments in fourth schedule to be in form prescribed by Commissioners of Customs.	
90. Commissioners of Customs, with consent of Board of Trade, to provide and alter forms and issue instructions.	„ „ s. 96.
91. Entry of informal documents.	18 & 19 Vict. c. 91. s. 11.
92. Shares in shipping within the Trustee Act, 1850.	„ „ s. 10.
93. Power to registrar to dispense with declarations and other evidence.	17 & 18 Vict. c. 104. s. 97.
94. Provision for cases of infancy or other incapacity.	„ „ s. 99.

National Character.

Clauses.

95. National character of ship to be declared before clearance.	17 & 18 Vict. c. 104. s. 102.
96. Ships unduly registered may be struck off register.	„ „ s. 103.
97. Using British flag or assuming British character.	„ „ s. 103 (2.)
98. Assumption of foreign character.	„ „ „ (4.)
99. False declaration of qualification.	„ „ s. 103.
100. Proceedings on forfeiture of ship.	„ „ s. 104.
101. Protection of officers seizing and detaining.	„ „ ss. 105 (1).
102. Carrying improper colours.	„ „ 103.
103. Liabilities of owners.	„ „ s. 100.

*Liabilities of Owners.**Forgery.*

104. Punishment for forgery.	
105. Punishment for false declarations, &c.	18 & 19 Vict. c. 91. s. 9.

Evidence.

106. Copies of registers ¹ and declarations to be admissible in evidence, and to be primâ facie proof of certain things.	
107. General register books in London receivable in evidence.	18 & 19 Vict. c. 91. s. 15.

Saving Clause.

108. Saving of 3 & 4 Vict. c. 56. relating to East Indian ships.	
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PART II.

MASTERS AND SEAMEN.

109. Application of Part II.	
110. Her Majesty may, by Order in Council, apply this part to foreign vessels.	

Local Marine Boards.

111. Constitution of local marine boards.	17 & 18 Vict. c. 104. s. 110.
112. Error in elections not to vitiate acts.	„ „ s. 118.

Clauses.

113. Minutes and business of local marine boards.	17 & 18 Vict. c. 104. s. 119. 25 & 26 Vict. c. 63. s. 14.
114. Provision for failure of local marine board to discharge duties.	17 & 18 Vict. c. 114. s. 120.
115. Rectification of arrangements, &c. of local marine boards.	„ „ s. 121.

Certificates of Masters, Mates, and Engineers.

116. Certificate of competency to be granted.	
117. Officers of certain ships how to be qualified.	17 & 18 Vict. c. 104. s. 136.
118. Examinations for masters and mates.	„ „ s. 131.
119. Powers of Board of Trade over examinations.	„ „ s. 132.
120. Fees to be paid by applicants for examination.	„ „ s. 133.
121. Grant of certificates on passing examination.	„ „ s. 134.
122. Certificates for foreign-going ships available for coasting passenger ships.	„ „ s. 137.
123. Grants, cancellations, &c. of certificates to be recorded.	„ „ s. 138.
124. In case of loss a copy to be granted.	„ „ s. 139. 25 & 26 Vict. c. 63. s. 10.
125. Penalties for false representations; for forging or altering or fraudulently using or lending any certificate.	17 & 18 Vict. c. 104. s. 140.
126. Penalty in case of non-possession of certificates, &c.	„ „ s. 136. 25 & 26 Vict. c. 62. s. 5, par. 5.
127. Board of Trade may licence holders of pilotage certificates to act as masters, &c.	
128. Colonial certificates to master, mates, and engineers.	Mer. Shipping Colonial Act, 1869, s. 8. 17 & 18 Vict. c. 104. s. 131, <i>et seq.</i> 25 & 26 Vict. c. 63. s. 5, <i>et seq.</i>

Mercantile Marine Offices.

129. Establishment of mercantile marine offices.	17 & 18 Vict. c. 104. s. 122.
130. Board of Trade to have partial control over mercantile marine offices.	„ „ s. 123.
131. Business of mercantile marine office.	„ „ s. 124.
132. Fees on engagements and discharges.	„ „ s. 125.
133. Masters to pay fees, and to deduct from wages.	„ „ s. 126.

Clauses.

134. Punishments for superintendents, &c. taking other remuneration.	17 & 18 Vict. c. 104. s. 127.
135. Business of mercantile marine office may be carried on at custom houses.	„ „ s. 128.
136. Appointment of sailors homes in London as mercantile marine offices.	„ „ s. 129.
137. Dispensation with superintendents.	„ „ s. 130.
138. Board of Trade may make byelaws for preservation of order in mercantile marine offices.	

Apprenticeships to the Sea Service.

139. Superintendence as to apprenticeships.	
140. Fees to superintendents.	„ „ s. 141.
141. Indentures of boys bound by guardians to be witnessed, &c.	„ „ s. 142.
142. Recording of indentures, &c.	„ „ s. 143.
143. Rules for apprenticeship of paupers in Great Britain and in Ireland.	„ „ s. 144.
144. Apprentices and indentures to be brought before superintendent before voyage in foreign-going ship.	„ „ s. 145. 25 & 26 Vict. c. 25. s. 13.
145. Indentures made before passing of Act without stamps to be valid.	

Engagement of Seamen.

146. Licensing of persons to procure seamen.	17 & 18 Vict. c. 104. s. 146.
147. Penalties. For supplying seamen without licence: For employing unlicensed persons: For receiving seamen illegally supplied.	„ „ s. 147. 25 & 26 Vict. c. 63. s. 13.
148. Penalty for receiving remuneration from seamen, &c.	17 & 18 Vict. c. 104. s. 148.

Agreements for Service.

149. Agreements with seamen.	„ „ s. 149.
150. Agreements for foreign-going ships. In presence of superintendent. Superintendent to attest. To be in duplicate. Provisions for substitutes.	„ „ s. 150.
151. Running agreements on foreign-going ships for short voyages.	„ „ s. 151.
152. Agreement for home trade ships.	

Clauses.

153. Special agreements for ships belonging to same owners.	17 & 18 Vict. c. 104. s. 155.
	„ „ s. 156.
154. Agreements may be made in the United Kingdom binding seamen to join ship abroad.	„ „ s. 163.
155. Changes in crew to be reported.	„ „ s. 158.
156. Seamen engaged in the colonies to be shipped before some superintendent or officer of customs.	„ „ s. 159.
157. Engagement of seamen at foreign port.	„ „ s. 160.
158. Engagement of seamen in British possessions, and before consular officers.	„ „ ss. 159, 160.
159. Penalty for shipping seamen without agreement duly executed.	„ „ s. 157.
160. Alterations to be void unless attested to have been made with the consent of all parties.	„ „ s. 163.
161. Penalty for falsifying agreement.	„ „ s. 164.
162. Seamen not to be bound to produce agreement.	„ „ s. 165.
163. Copy of agreement to be made accessible to crew.	„ „ s. 166.
164. Masters and owners of foreign ships may engage and discharge crews before superintendents of mercantile marine office.	
165. Contracts may be made, with natives in India under certain conditions binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.	„ „ s. 445. 18 & 19 Vict. c. 91. s. 23.
166. Saving of former enactments.	4 Geo. 4. c. 80. ss. 25 to 31. 34. 17 & 18 Vict. c. 120. s. 16. 25 & 26 Vict. c. 63. s. 24.

Production of Agreements, Certificates, and Official Logs.

167. Rules as to production of agreements, certificates of masters and mates or engineers, lists of crews, and official logs for foreign-going ships.	17 & 18 Vict. c. 104. s. 161.
168. Rules as to production of agreements and certificates for coasting passenger ships.	

Allotment of Wages.

169. Regulations as to allotment notes.	„ „ s. 168.
170. Allotment notes may be sued on summarily by certain persons and under certain conditions.	„ „ s. 169.
171. Authentication of allotment note.	

Discharge and Payment of Wages in the United Kingdom.

Clauses.

172. Discharge from foreign-going ships to be made before shipping master.	17 & 18 Vict. c. 104. s. 170.
173. Master to deliver account of wages.	„ „ s. 171.
174. On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.	„ „ s. 172.
175. Superintendents may decide questions which parties refer to them.	„ „ s. 173.
176. Master and others to produce ship's papers to shipping masters, and giving evidence.	„ „ s. 174.
177. Settlement of wages. Release to be signed and attested. To be discharge, and to be evidence. No other receipt to be a discharge. Voucher to be given to master, and to be evidence.	„ „ s. 175.
178. Master to make reports of character.	„ „ s. 176.

Legal rights to Wages.

179. Right to wages, &c., when to begin.	„ „ s. 181.
180. Restriction and effect of agreement as to wages, salvage, &c.	„ „ s. 182.
181. Wages not to depend on freight.	25 & 26 Vict. c. 63. s. 18.
182. Powers in case of death.	17 & 18 Vict. c. 104. s. 183.
183. Wages on termination of service by wreck or illness.	„ „ s. 184.
184. Seamen improperly discharged to have compensation.	„ „ s. 185.
185. Provisions for seaman's subsistence till wages are paid.	„ „ s. 167.
186. Mode of payment of wages.	
187. Superintendent may receive wages for seamen and give receipt.	

Mode of recovering Wages.

188. Summary proceedings for wages.	17 & 18 Vict. c. 104. s. 188.
189. Restrictions on suits for wages in superior courts.	„ „ s. 189.
190. Share of profits may be recovered as wages.	
191. Master to have same remedies for wages as seamen.	„ „ s. 191.

Wages and Effects of deceased Seamen.

Clauses.

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| 192. Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log. | 17 & 18 Vict. c. 104. s. 194. |
| 193. Such effects and wages to be paid either to consul or to shipping master, with full accounts. | „ „ s. 195. |
| 194. Penalties for not taking charge of, remitting, or accounting for such monies and effects. | „ „ s. 196. |
| 195. Effects abroad not on board ship. | „ „ s. 197.
25 & 26 Vict. c. 63. s. 20. |
| 196. Sale of effects ; remittance of produce, wages, &c. | 17 & 18 Vict. c. 104. s. 197. |
| 197. Recovery of wages, &c. of seamen lost with their ship. | 25 & 26 Vict. c. 63. s. 21. |
| 198. Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade. | 19 & 20 Vict. c. 41. s. 198. |
| 199. If less than 50 <i>l.</i> , wages and property of deceased seamen may be paid over without probate or administration to the persons entitled. | 17 & 18 Vict. c. 63. s. 199. |
| 200. Mode of payment under wills made by seamen. | „ „ s. 200. |
| 201. Provision for payment of just claims by creditors, and for preventing fraudulent claims. | „ „ s. 201. |
| 202. Punishment for forgery and false representations in order to obtain wages and property of deceased seamen. | „ „ s. 203. |
| 203. Mode of dealing with unclaimed wages of deceased seamen. | „ „ s. 202. |
| 204. Effects of seamen discharged from navy to be disposed of by Accountant General of Navy. | „ „ s. 204. |

Remittance of Wages, Savings Banks, Insurance, and Annuities for Seamen.

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| 205. Remittance of seamen's wages. | „ „ s. 177. |
| 206. Board of Trade may make regulations concerning money orders. | „ „ s. 177. |
| 207. Power to pay when order is lost. | „ „ s. 178. |
| 208. Penalty for issuing money orders with fraudulent intent. | „ „ s. 179. |
| 209. Power for Board of Trade to establish savings banks. | 19 & 20 Vict. c. 41. s. 1. |

Clauses.

210. Power to constitute mercantile marine offices branch savings banks.	19 & 20 Vict. c. 41. s. 2.
211. Commissioners for the Reduction of the National Debt to receive deposits, &c.	„ „ s. 3.
212. Board of Trade to make regulations for conduct of savings banks.	„ „ s. 4.
213. Application of deposits of deceased depositor.	„ „ s. 5.
214. Punishment for forgery or for making false representations in order to obtain deposits or interest.	„ „ s. 6.
215. Expenses of savings banks how to be defrayed.	„ „ s. 7.
216. Accounts and copy of regulations to be laid before Parliament.	„ „ s. 8.
217. Public officers to be exempt from legal proceedings, except in case of wilful default.	17 & 18 Vict. c. 104. s. 177. 19 & 20 Vict. c. 41. s. 4.
218. Enactments concerning savings banks, &c., to apply to seamen in the navy.	18 & 19 Vict. c. 91. s. 17.

Relief to Seamen's Families out of Poor Rates.

219. Relief to seamen's families to be chargeable on a certain proportion of their wages.	17 & 18 Vict. c. 104. s. 192.
220. Notice to be given to owner, and charge to be enforced on the return of the seaman.	„ „ s. 193.
221. Penalty on masters of ships leaving certain seamen in distress in this country.	„ c. 120. s. 16.
222. Relief of destitute Lascars.	18 & 19 Vict. c. 91. s. 22.

Leaving Seamen abroad.

223. Seamen not to be discharged or left abroad without certificate.	17 & 18 Vict. c. 104. ss. 204, 213.
224. Conditions of obtaining certificate.	
225. Cases in which no money is to be deposited for maintenance and return passage.	
226. Persons who grant certificates to decide on adequacy of employment or return passage.	
227. Endorsement of certificate on ship's agreement.	
228. Amount to be paid for expenses of seamen left abroad.	
229. Expenses of maintenance, &c. to be a charge on the ship.	

Clauses.

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| 230. Where seaman is discharged for his conduct, expenses of his maintenance may be deducted from wages. | |
| 231. Payment of seamen's wages to be in cash where practicable. | |
| 232. Accounts of expenses of seamen relieved. | 17 & 18 Vict. c. 104. s. 210. |
| 233. Discharge of seamen abroad to be conducted in same manner as in the United Kingdom. | |
| 234. Penalty on forcing seamen ashore or discharging them abroad, in contravention of this Act. | |
| 235. Distressed seamen found abroad may be relieved and sent home at the public expense. | „ „ s. 211.
18 & 19 Vict. c. 91. s. 16.
25 & 26 Vict. c. 63. |
| 236. Masters of British ships compelled to take seamen. | 17 & 18 Vict. c. 104. s. 212. |
| 237. Expenses of relief of distressed seamen. | „ „ s. 213.
18 & 19 Vict. c. 91. s. 16. |

Volunteering into the Navy.

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| 238. In time of war seamen may be authorized by Order in Council to volunteer into the navy. | |
| 239. Seamen allowed to leave their ships in order to enter the navy. | 17 & 18 Vict. c. 104. s. 214. |
| 240. Clothes to be delivered at once. Wages to be given to the Queen's officer on account of the seaman. | „ „ s. 215. |
| 241. Regulations in ninth schedule to have effect with regard to wages of seamen received into navy. | |
| 242. Penalty for forgery and false representations in support of such applications. | „ „ s. 220. |

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| 243. Survey of provisions and water on complaint made. | „ „ s. 221. |
| 244. Forfeiture for frivolous complaint. | „ „ s. 222. |
| 245. Allowance for short or bad provisions. | „ „ s. 223. |
| 246. Anti-scorbutics to be provided in accordance with schedule ten. | 30 & 31 Vict. c. 124. s. 4. |
| 247. Board of Trade may exempt ships from rules in tenth schedule. | |
| 248. Penalty for non-observance of rules in tenth schedule. | „ „ s. 4. |

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249. Seamen to be entitled to a shilling for every day anti-scorbutics are not served out.	
250. Penalty for selling, &c. medicines, &c. of bad quality.	30 & 31 Vict. c. 124. s. 5.
251. Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.	„ „ s. 6.
252. Seaman's expenses in case of illness through neglect of owner or master to be paid by them.	„ „ s. 7.
253. Forfeiture of wages, &c. of seaman when illness caused by his own default.	„ „ s. 8.
254. Masters to keep weights and measures on board.	17 & 18 Vict. c. 104. s. 225.
255. Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.	„ „ s. 228.
256. Expenses, if paid by consul, to be recoverable from owner.	„ „ s. 229.
257. Certain ships to carry medical practitioners.	„ „ s. 230.
258. Accommodation for seamen.	30 & 31 Vict. c. 124. s. 9.
259. Governors of British Possessions may appoint surveyors.	31 & 32 Vict. c. 129. s. 3.

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260. Seamen to be allowed to go on shore to make complaint to a justice.	17 & 18 Vict. c. 104. s. 232.
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261. Sale of and charge upon wages to be invalid.	„ „ s. 233.
262. No debt exceeding 5s. recoverable till end of voyage.	„ „ s. 233.
263. Penalty for overcharges by lodging-house keepers.	„ „ s. 234.
264. Penalty for detaining seamen's effects.	„ „ s. 236.
265. Penalty for detaining certificate.	
266. Persons not to go on board before the final arrival of ship without permission.	„ „ s. 237.
267. Harbour authority may license porters.	
268. Penalty for solicitations by lodging-house keepers.	„ „ s. 238.

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269. Misconduct endangering ship or life or limb a misdemeanor.	„ „ s. 239.
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270. Power of Admiralty courts to remove master.	17 & 18 Vict. c. 104. s. 240.
271. Inquiry into the incompetency or misconduct of a master or officer.	„ „ s. 241.
	„ „ s. 438.
272. Special assessors.	25 & 26 Vict. c. 63. ss. 23, 24.
	17 & 19 Vict. c. 104. s. 434.
	25 & 26 Vict. c. 63. s. 23.
273. Power to compel attendance of witnesses, &c.	
274. Costs and expenses of inquiry.	
275. Compensation, &c. payable by Board of Trade.	
276. Offences of seamen and apprentices and their punishments. Mutinous conduct. Desertion. Neglecting or refusing to join, or to proceed to sea, absence within twenty-four hours before sailing, and absence without leave. Quitting without leave before ship is secured. Act of disobedience. Continued disobedience. Assault on officers. Combining to disobey, &c. Wilful damage and embezzlement. Act of smuggling causing loss to owner.	17 & 18 Vict. c. 104. s. 243.
	11 & 12 Wm. 3. c. 7. s. 9.
277. Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.	17 & 18 Vict. c. 104. s. 244.
278. Survey of ships alleged by seamen to be unseaworthy.	
279. Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.	„ „ s. 245.
280. Master or owner may apprehend deserters without warrant.	„ „ s. 246.
281. Deserters may be sent on board in lieu of being imprisoned.	„ „ s. 247.
282. Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.	„ „ s. 248.
283. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.	„ „ s. 249.
284. Facilities for proving desertion, so far as concerns forfeiture of wages.	„ „ s. 250.

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285. Costs of procuring imprisonment may be deducted from wages.	17 & 18 Vict. c. 104. s. 251.
286. Amount of forfeiture, how to be ascertained when seaman contracts for the voyage.	„ „ s. 252.
287. Application of forfeitures.	„ „ s. 253.
288. Questions of forfeitures may be decided in suits for wages.	„ „ s. 254.
289. Penalty for false statement as to last ship or name.	„ „ s. 255.
290. Fines to be deducted from wages and paid to superintendent.	„ „ s. 256.
291. Penalty for enticing to desert and harbouring deserters.	„ „ s. 257.
292. Penalty for obtaining passage surreptitiously.	„ „ s. 258.
293. On change of masters, documents hereby required to be handed over to successor.	„ „ s. 259.

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294. Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.	„ „ s. 260.
295. Constitution of such courts.	„ „ s. 261.
296. General function and mode of action of such courts.	„ „ s. 262.
297. Powers of such courts. To supersede the master To cancel, &c. certificate. To discharge a seaman. To forfeit wages. To decide disputes as to wages, &c. To direct costs of imprisonment to be paid out of wages. To send home offenders for trial. To order payment of costs, &c.	„ „ s. 263. 18 & 19 Vict. c. 91. s. 18.
298. Removal from court of persons interrupting proceedings.	
299. Orders to be entered in official log.	17 & 18 Vict. c. 104. s. 264.
300. Report to be made of proceedings of naval courts.	„ „ s. 265.
301. Penalty for preventing complaint or obstructing investigation.	„ „ s. 266.

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302. Establishment of register office.	17 & 18 Vict. c. 104. s. 271.
303. Lists to be made for all ships containing certain particulars.	„ „ s. 273.
304. Lists for foreign-going ships to be delivered to shipping master on arrival.	„ „ s. 274.
305. Lists to be delivered by country ships half-yearly.	„ „ ss. 109, 275.
306. Lists to be sent home in case of transfer of ship and in case of loss.	„ „ s. 276.
307. Superintendents and other officers to transmit documents to registrar. Registrar to permit inspection, to produce originals, and give copies.	„ „ s. 277.
308. Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs.	„ „ s. 279. 25 & 26 Vict. c. 63. s. 13.

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309. Official logs to be kept in form sanctioned by Board of Trade.	18 & 19 Vict. c. 63. s. 13. 25 & 26 Vict. c. 63. s. 13.
310. Entries to be made in due time.	17 & 18 Vict. c. 104. s. 281.
311. Entries required in official log. Convictions. Offences. Punishments. Conduct, &c. of crew. Illnesses and injuries. Deaths. Births. Marriages. Quitting ship. Wages of men entering navy. Wages of deceased seamen. Sale of deceased men's effects. Collisions.	„ „ s. 282.
312. Entries how to be signed.	„ „ s. 283.
313. Penalties in respect of official logs.	„ „ s. 285.
314. Entries in official logs to be received in evidence.	„ „ „
315. Official logs to be delivered to shipping master.	„ „ s. 286.
316. Official logs to be sent home in case of transfer of ship, and in case of loss.	„ „ s. 287.

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317. Provisions of Act, as applied by East Indian and Colonial Governments to their own ships, may be enforced throughout the empire.	17 & 18 Vict. c. 104. s. 288.
318. East Indian and colonial Acts to be subject to disallowance and require sanction as in other cases.	18 & 19 Vict. c. 91. s. 289.
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321. Application of regulation in schedule (12).	
322. Regulations, when adopted by a foreign country, may be applied to its ships on the high seas.	„ „ s. 58.
323. Regulations to be published.	„ „ s. 26.
324. Owners and masters bound to obey them.	„ „ s. 27.
325. Breaches of regulations to imply wilful default of persons in charge.	„ „ s. 28.
326. If collision ensues from breach of the regulations, ship to be deemed in fault.	„ „ s. 29.
327. Inspection for enforcing regulations.	„ „ s. 30.
328. Rules for harbours under local Acts to continue in force.	„ „ s. 31.
329. In harbours and rivers where no such rules exist they may be made.	„ „ s. 32.
330. In case of collision one ship shall assist the other.	„ „ s. 33.
331. Collisions to be entered in official log.	17 & 18 Vict. c. 104. s. 328.

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333. Prohibition of improper increase of pressure in boiler. 17 & 18 Vict. c. 104. s. 302.

334. Ship's draft of water to be recorded.

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335. Interpretation of this part.	" "	s. 303.
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358. Power to refuse admittance to and to remove passengers who are drunk or misconduct themselves. 17 & 18 Vict. c. 104. ss. 31 and 35.

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359. Foreign steamers plying in United Kingdom subject to this part of this Act.

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360. Accidents to steam ships to be reported to Board of Trade.
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362. Provisions to prevent the taking dangerous goods on board without due notice. 17 & 18 Vict. c. 104. s. 329.
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363. Manufacturers to place marks on anchors. 17 & 18 Vict. c. 104. ss. 3, 48.
364. Power to corporations, &c. to provide proving establishments for testing chain cables, &c. 27 & 28 Vict. c. 27. s. 1.
365. Power to the Board of Trade to grant licences for proving chain cables and anchors, and may suspend or revoke licences. „ „ s. 2.
366. Board of Trade to appoint inspectors from time to time. „ „ s. 3.
367. Licences to be renewed annually. „ „ s. 4.
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370. Tester to test all cables and anchors in proper order, and impress the same with authorized proof mark. „ „ s. 7.
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379. Power to shipowner to enter and land goods in default of entry and landing by owner of goods.

380. If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue. 25 & 26 Vict. c. 63. s. 67.

381. Lien to be discharged on proof of payment. " " s. 68.

382. Lien to be discharged on deposit with warehouse owner. " " s. 69.

383. Warehouse owner may at the end of 15 days, if no notice is given, pay deposit to shipowner. " " s. 70.

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385. After 90 days warehouse owner may sell goods by public auction. " " s. 72.

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397. Rules as to damages and application thereof.	„ „ s. 510.
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| 425. | Wreck not claimed within one year. | „ „ ss. 471, 475. |
| 426. | Disputed title to wreck. | 25 & 26 Vict. c. 63. s. 53.
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| 432. | Marine store dealers. | „ „ ss. 480,
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Clauses.

516. Payments to be made to the pilot fund.

17 & 18 Vict. c. 104. s. 385.

517. Application of fund.

„ „ ss. 386.
16 & 17 Vict. c. 129. s. 12.

PART VIII.

LIGHTHOUSES, LIGHTS, AND SEA MARKS.

Construction of this Part.

518. Construction.

Management of Lighthouses and Sea Marks by General Lighthouse Authorities.

519. Management of lights to be vested in general lighthouse authorities.

17 & 18 Vict. c. 104. s. 389.

520. Constitution of Commissioners of Northern Lighthouses.

„ „ ss. 390-1.

521. Constitution of the Commissioners of Irish Lights.

26 Geo. 3. c. 19. „

522. Appointment of Commissioners of Irish Lights.

„ „ ss. 11 to 15.

523. Power of Trinity House to inspect lighthouses in district of other general lighthouse authorities.

17 & 18 Vict. c. 104. s. 392.

524. Returns to be made to the Board of Trade.

„ „ s. 393.

525. Board of Trade may appoint persons to inspect lighthouses, &c.

„ „ s. 393.

Construction of new Lighthouses and Sea Marks by General Lighthouse Authorities.

526. Power of general lighthouse authorities to erect, place, and alter lighthouses, &c.

„ „ s. 404.

527. Power of Trinity House, with sanction of Board of Trade, to compel any execution of works by the general lighthouse authorities.

„ „ s. 408.

528. Incorporation of Lands Clauses Acts.

529. Power of Board of Trade to borrow, and of Public Works Loan Commissioners to advance money on the credit of Mercantile Marine Fund.

„ „ s. 412.

„ „ ss. 424,
425, & 426.

General Light Dues.

Clauses.

530. General light dues to be levied.	17 & 18 Vict. c. 104. s. 396.
531. Powers of general lighthouse authorities to alter and regulate dues.	„ „ s. 398.
532. Publication of dues and regulations.	„ „ s. 399.
533. General light dues to be collected and accounted for.	„ „ s. 402.
534. Application of general light dues.	„ „ s. 403.
535. Power of Her Majesty to revise general light dues. To fix general light dues for new light-houses.	„ „ ss. 397, 410.
536. Liability for and recovery of light dues. Persons liable to pay light dues. Receipt for light-dues.	25 & 26 Vict. c. 63. ss. 44, 45. 17 & 18 Vict. c. 104. ss. 400, 401.

Local Lighthouse Authorities.

537. General power of local lighthouse authority.

Construction of new Lighthouses, &c. by Local Authorities.

538. Local light dues to be fixed and varied by Order in Council.	25 & 26 Vict. c. 63. s. 46.
539. Application of such local light dues.	„ „ s. 47.
540. Account to be given of local dues.	„ „ s. 47.
541. Payment and recovery of local light dues.	

Control of General over Local Authorities.

542. Returns to be made by the local authorities to the general authority.	„ „ s. 43.
543. Inspection of lights, &c. by general authority.	„ „ s. 43.
544. Control of general authorities over local authorities.	17 & 18 Vict. c. 104. s. 394, 395.
545. Transfer to general lighthouse authority of powers of local lighthouse authority on default of latter.	„ „ s. 395.

Surrender of Local Lighthouses.

546. Local lighthouses may be surrendered to general lighthouse authority.	„ „ s. 413.
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Saving.

Clauses.

547. Saving of rights of local lighthouse authority.
 548. Exercise of powers in Channel Islands. 17 & 18 Vict. c. 104. s. 411.

Colonial Lighthouses and Sea Marks.

549. Her Majesty may fix dues for colonial light-houses. 18 & 19 Vict. c. 91. s. 2.
 550. Consent of legislature to dues in colony. „ „ s. 3.
 551. Payment of colonial dues. „ „ s. 4.
 552. Mode of collecting colonial light dues. „ „ s. 5.
 553. Colonial light dues to be paid to the Paymaster General. „ „ s. 6.
 554. Application of colonial light dues. „ „ s. 7.
 555. Power to borrow money on security of colonial light dues. „ „ s. 8.
 556. Account for each lighthouse to be kept, and abstracts thereof laid before Parliament.

False Lights and Damage to Lighthouses.

557. Removing or concealing sea marks. 24 & 25 Vict. c. 97. s. 48.
 558. Exhibiting false signals. „ „ s. 47.
 17 & 18 Vict. c. 104. s. 414.
 559. General lighthouse authorities may prohibit false lights. „ „ s. 415.
 560. If not obeyed they may abate such lights. „ „ s. 416.

PART IX.

CONSERVANCY.

Preliminary Inquiries.

561. On application to Parliament for Act to authorize works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries. 14 & 15 Vict. c. 49.
 562. Like power for Admiralty where interest of naval service affected. 25 & 26 Vict. c. 69. s. 4.
 563. Deposit of plans with Board of Trade. 23 & 24 Vict. c. 152. s. 41.
 25 & 26 Vict. c. 69. s. 7.

Regulations as to Work.

Clauses.

564. Restriction on works affecting harbours or navigation, under statutory powers.	8 & 9 Vict. c. 20. s. 17. „ c. 33. s. 17. 10 & 11 Vict. c. 27. ss. 12, 13. 40 Geo. 3. c. 153.
565. Restriction on works affecting harbours or navigation, where there are no statutory powers.	25 & 26 Vict. c. 19. s. 11. 26 & 27 Vict. c. 92. s. 13.
566. Lights on works.	„ „ s. 14.
567. Approval of Board of Trade to plans for bridge over tidal river.	„ „ s. 15.
568. User of bridges.	„ „ s. 16.
569. Access to seashore under or across work.	„ „ s. 17.
570. Provision for preventing deviation of works along sea or tidal river without consent of Board of Trade.	„ „ s. 18.
571. Power for abatement of works disused.	„ „ s. 19.
572. Power for local survey.	

Obstructions to Navigation.

573. Restriction on deposit of ballast or rubbish.	19 Geo. 2. c. 22. ss. 1, 2. 54 Geo. 3. c. 159. ss. 11, 12. 13, & 15.
574. Removal of wrecks and obstructions to navigation.	19 Geo. 2. c. 22. s. 3. 54 Geo. 3. c. 159. ss. 17, 19.

Removal of Shingle.

575. Power to make byelaws respecting removal of ballast, shingle, &c. from shore.	54 Geo. 3. c. 159. s. 14.
576. Restriction on removal of ballast, shingle, &c. from shore under management of Board of Trade.	
577. Series of acts tending to injury of navigation.	
578. Saving for powers independent of this Act.	29 & 30 Vict. c. 62.

Transfer to Board of Trade of Powers under existing special Acts.

579. Powers for protection of navigation, &c. under local Acts for works on tidal lands, &c. to be exercised by Board of Trade.	25 & 26 Vict. c. 69. ss. 8, 9, 10, 18, 19.
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Clauses.

580. Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate.	25 & 26 Vict. c. 69. ss. 8, 9, 10, 18, 19.
581. Exception as to Mersey and Thames.	" " "
582. Saving for prerogative of Crown and general conservancy powers of Admiralty.	{ 5 & 6 Vict. c. 110. 20 & 21 Vict. c. 147. s. 3. 25 & 26 Vict. c. 69. ss. 8, 9, 10, 18, and 19.
583. Saving for past acts, contracts, and appointments, and proceedings pending, &c.	{ " " "
584. Provision for notices under Artillery Ranges Act, 1862, being given to Board of Trade.	{ 25 & 26 Vict. c. 36. s. 2.

PART X.

HARBOURS.

Provisions applicable to existing and future Harbour Authorities.

585. Application of part.

Harbour Dues.

586. Power to raise or lower dues.	10 & 11 Vict. c. 27. s. 30.
587. Right of unobstructed access to harbour on payment of dues.	" " s. 33. 25 & 26 Vict. c. 19. s. 13.
588. Compositions for dues.	10 & 11 Vict. c. 27. s. 32.
589. Power for harbour authority to contract for use of pier or works.	
590. Prohibition of levying of dues before completion of harbour.	" " s. 25.
591. Lists of dues.	" " s. 47.
592. Byelaws respecting dues.	
593. Ships returning from stress of weather.	" " s. 33.
594. In case of difference power to weigh or measure goods and detain ship.	" ss. 40 and 41.
595. Penalty on evasion.	" " s. 43.
596. Recovery of dues, on default, by seizure and sale.	" " s. 44.
597. Settlement of disputes concerning dues or charges occasioned by distress.	" " s. 46.
598. Recovery of dues by action.	24 & 25 Vict. c. 45. s. 18.

Clauses.

599. Power for collector of customs to withhold clearance until dues paid.	10 & 11 Vict. c. 27. s. 48.
600. Power for Board of Trade to revise dues in certain cases.	25 & 26 Vict. c. 19. s. 14.
(ii.) <i>Accounts.</i>	
601. Contents of accounts.	10 & 11 Vict. c. 27. s. 49.
602. Annual account.	„ „ s. 50.
603. Audit of accounts on complaint to Board of Trade in certain cases.	25 & 26 Vict. c. 19. s. 16.
(iii.) <i>Officers and Servants.</i>	
604. Appointments and duties of harbour masters and other officers.	10 & 11 Vict. c. 27. ss. 51, 81.
605. Employment of weighers and meters.	„ „ s. 82.
606. Penalty on offering bribes to officers.	„ „ s. 55.
607. Special constables.	„ „ s. 79.
(iv.) <i>Harbour Regulations.</i>	
608. Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c.	„ „ ss. 52, 83.
(v.) <i>Byelaws.</i>	
609. Power for harbour authority to make byelaws, subject to allowance by Board of Trade.	„ „ ss. 83, 90.
(vi.) <i>Warehouses, Cranes, and other Conveniences.</i>	
610. Power to purchase additional land required for extraordinary purposes.	„ „ ss. 20, 23.
611. Power to construct warehouses and other works.	„ „ „
612. Power to lease wharfs, warehouses, &c.	„ „ „
613. Water pipes.	25 & 26 Vict. c. 19. s. 20.
(vii.) <i>Lifeboats.</i>	
614. Harbour authority to provide lifeboats and other apparatus on requisition of Board of Trade.	10 & 11 Vict. c. 27. ss. 16, 17.
(viii.) <i>Tide Gauges and Barometers.</i>	
615. Provision by harbour authority of tide gauge and barometer, and accounts of workings.	„ „ ss. 18, 19.

Damage in Harbour.

Clauses.

616.	Responsibility for injury to works of harbour.	10 & 11 Vict. c. 27.	s. 74.
617.	Recovery over by owner from master of ship, &c.	„	„ s. 76.
618.	Penalty for wilfully cutting moorings.	„	„ s. 62.

(ix.) Her Majesty's Customs.

619.	Approval of legal quays by Treasury, &c.	„	„ s. 24.
620.	Provision by harbour authority of watchhouses, huts, &c. for customs officers.	„	„ s. 14.
621.	Freedom of passage for customs officers.		

Sites for protecting Batteries.

622.	Power to Secretary of State for War to take and hold lands, &c. for batteries, &c.	24 & 25 Vict. c. 45.	s. 20.
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Special Acts for Harbours.

623.	Correction of errors and omissions in plans and books of reference.	10 & 11 Vict. c. 27.	s. 7.
624.	Access to special Act.	„	„ ss. 97, 98.

(x.) Subjection of Harbour to general Acts.

625.	Application of Merchant Shipping Acts and other Acts.	25 & 26 Vict. c. 19.	s. 21.
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PART XI.

LOANS TO HARBOUR AUTHORITIES.

626.	Power for Public Works Loan Commissioners to lend to harbour authorities, and for harbour authorities to borrow from them.	24 & 25 Vict. c. 47.	s. 3.
		25 & 26 Vict. c. 69.	ss. 20, 22.
627.	Additional money borrowed under this Act not to rank with money borrowed under other powers.	24 & 25 Vict. c. 47.	s. 3.
		25 & 26 Vict. c. 69.	ss. 20, 22.
628.	Rate of interest.	„	„ „
629.	Loan to be secured on rates or property.	„	„ „
630.	Power to harbour authority to give such security.	„	„ „
631.	Incorporation of 10 & 11 Vict. c. 16. ss. 75—88.	„	„ „
		10 & 11 Vict. c. 16.	ss. 75, 88.

Clauses.

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| <p>632. Private harbour to be regulated by Order in Council before loan made under these provisions.</p> <p>633. Power to proprietor of harbour for limited estate to charge estate of subsequent takers under same settlement.</p> | } | <p>24 & 25 Vict. c. 47. s. 3.</p> <p>25 & 26 Vict. c. 69. ss. 20, 22.</p> |
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PART XII.

POWERS FOR HARBOURS BY PROVISIONAL ORDERS.

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| <p>634. Power to apply to Board of Trade for Provisional Order.</p> <p>635. Procedure for Provisional Orders.</p> <p>636. Limitation of time for completion of works.</p> <p>637. Information to Admiralty of applications.</p> <p>638. Report by Board of Trade to Parliament.</p> <p>639. Termination of Provisional Order.</p> | } | <p>24 & 25 Vict. c. 45.</p> <p>25 & 26 Vict. c. 19.</p>
<p style="text-align: center;">,, ,, s. 12.</p> <p>25 & 26 Vict. c. 69. s. 13.</p> <p>24 & 25 Vict. c. 45. s. 19.</p> |
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PART XIII.

LOCAL CHARGES ON SHIPPING.

Dues—general.

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| <p>640. Application of part.</p> <p>641. Prohibition of partiality as to dues.</p> <p>642. Prohibition of passing tolls.</p> <p>643. Prohibition of differential dues.</p> <p>644. Prohibition of dues except for shipping purposes.</p> <p>645. Prohibition of dues inconsistent with treaties.</p> <p>646. No exemption from dues allowed in United Kingdom on account of reasons herein named.</p> | } | <p>10 & 11 Vict. c. 21. s. 30.</p> <p>25 & 26 Vict. c. 19. s. 17.</p> <p>24 & 25 Vict. c. 47.</p>
<p style="text-align: center;">,, ,, s. 12.</p> <p>30 & 31 Vict. c. 15.</p> |
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General Savings.

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| <p>647. Exemption of ships in Her Majesty's service, &c. from rates, &c.</p> | } | <p>10 & 11 Vict. c. 27. s. 38.</p> |
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Liability for Dues.

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| <p>648. Liability for dues payable by ship.</p> | } | <p>17 & 18 Vict. c. 104. ss. 363, 381.</p> |
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Clauses.

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| 649. Power for consignee, &c. to retain dues paid by them. | 17 & 18 Vict. c. 104. ss. 363, 381. |
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Dues levied on Ships not to be sold or charged.

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| 650. Dues not to be sold. | 16 & 17 Vict. c. 131. s. 24. |
| 651. Such sales or mortgages to be void except in certain cases. | „ „ „ |

Transfer of Shipping Dues to Harbour Authorities.

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| 652. Power to transfer dues. | 24 & 25 Vict. c. 47. ss. 17. 20. |
| 653. Notice of intended transfer. | „ „ „ |
| 654. Evidence of transfer. | „ „ „ |
| 655. Provisional order for transfer. | „ „ „ |
| 656. Application of dues and of consideration money. | „ „ „ |
| 657. Power to borrow for transfer. | „ „ „ |

PART XIV.

THE BOARD OF TRADE.

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| 658. Title of Board of Trade. | „ „ ss. 63, 69. |
| 659. Vesting of property in Board of Trade. | „ „ ss. 65, 69. |
| 660. Execution of instruments. | „ „ „ |
| 661. Power of Board of Trade to purchase lands. | „ „ „ |
| 662. Disposition of money arising from sale. | „ „ „ |
| 663. Actions and suits by and against Board of Trade. | „ „ „ |
| 664. Form of order, approval, &c. of Board of Trade. | „ „ „ |
| 665. Evidence of documents issued by Board of Trade, &c. | 17 & 18 Vict. c. 104. s. 7. |
| 666. Board of Trade to issue forms of instruments. | „ „ s. 8. |
| 667. Exemption from stamp duty. | „ „ s. 9. |
| 668. Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by Board of Trade. | „ „ s. 10. |
| 669. Application of penalties paid to Board of Trade. | „ „ s. 11. |
| 670. Returns to Board of Trade. | „ „ s. 12. |
| 671. Production of log books, &c. to Board of Trade. | „ „ „ |

Clauses.

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| 672. Power for officers of Board of Trade, naval officers, consuls, &c. to inspect documents, muster crews, &c. | 17 & 18 Vict. c. 104. s. 13. |
| 673. Appointment of inspectors by Board of Trade, and their powers. | „ „ ss. 14, 16. |

PART XV.

MERCANTILE MARINE FUND.

Maintenance and Application.

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| 674. Maintenance of mercantile marine fund. | 17 & 18 Vict. c. 104. s. 417. |
| 675. Application of mercantile marine fund. | „ „ ss. 417, 418, 421. |
| 676. Establishment of lighthouses, &c. to be fixed by Order in Council. | „ „ s. 420. |
| 677. Power to grant superannuation allowances. | „ „ s. 421. |
| | 16 & 17 Vict. c. 131. s. 13. |
| | 22 Vict. c. 26. |
| 678. Approval of estimates and accounts for other expenses by the Board of Trade. | 17 & 18 Vict. c. 104. ss. 424, 3. |
| 679. Lighthouse authorities to account for receipt and expenditure to Board of Trade. | „ „ s. 427. |
| 680. Audit of accounts of funds. | „ „ s. 428. |
| | 29 & 30 Vict. c. 39. |
| 681. Accounts to be laid before Parliament. | 17 & 18 Vict. s. 429. |
| 682. Exemption of property from rates and taxes. | „ s. 430. |
| 683. Exemption of lighthouse authorities and Board of Trade from dues. | „ s. 431. |
| | 25 & 26 Vict. c. 63. s. 48. |

PART XVI.

PROVISIONAL ORDERS.

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| 684. Notices and deposit of documents by promoters as in schedule. | 24 & 25 Vict. c. 45. |
| | 25 & 26 Vict. c. 12. |
| 685. Power for Board of Trade to determine on application and on objection. | } 24 & 25 Vict. c. 45.
25 & 26 Vict. c. 19. |
| 686. Power for Board of Trade to make Provisional Order. Form and contents of Provisional Order. | |

Clauses.

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| 687. Publication of Provisional Order as in schedule. | |
| 688. Confirmation of Provisional Order by Act of Parliament. | |
| 689. Restriction on Order as to affecting powers under local Acts. | } 24 & 25 Vict. c. 45.
25 & 26 Vict. c. 19. |
| 690. Costs of Order. | |
| 691. Deposit of documents with clerk of the peace. | |

PART XVII.

LEGAL PROCEDURE.

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| 692. Application of part. | 17 & 18 Vict. c. 104. s. 517. |
| 693. Offences committed abroad or on high seas to be within jurisdiction of British courts. | 18 & 19 Vict. c. 91. s. 22.
30 & 31 Vict. c. 124. s. 11. |
| 694. Conveyance of offenders and witnesses to United Kingdom or some British possession. | 17 & 18 Vict. c. 104. s. 268. |
| 695. Change of venue. | |
| 696. Inquiry into cause of death on board. | ” ” s. 269. |
| 697. Depositions to be received in evidence when witness cannot be produced. | ” ” s. 270. |
| 698. Punishment of misdemeanor. | ” ” s. 518.
p. 102. |
| 699. Allowances on prosecutions for misdemeanor. | ” ” s. 518. |
| 700. Summary procedure. | ” ” ” |
| 701. Appeal on summary conviction in England. | ” ” ” |
| 702. Jurisdiction of justices, quarter sessions, &c. | ” ” ” |
| 703. Trial of offences in colonies. | ” ” ” |
| 704. Power of one magistrate. | 10 & 11 Vict. c. 27. s. 94. |
| 705. Offence where deemed to have been committed. | 17 & 18 Vict. c. 104. s. 520. |
| 706. Jurisdiction over ships lying off the coast. | ” ” s. 521. |
| 707. Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage. Power in certain cases to detain ship before application made to judge. | ” ” s. 527.
” ” s. 528. |
| 708. Who to be defendant to suit in such cases. | ” ” s. 529. |
| 709. Service of notices, &c. | |

Clauses.

710. Sums ordered to be paid leviable by distress on ship.	17 & 18 Vict. c. 104. s. 523.
711. Summary recovery of damages.	10 & 11 Vict. c. 27. s. 75.
712. Recovery of damages and dues by distress of ship.	17 & 18 Vict. c. 104. s. 401. 25 & 26 Vict. c. 63. s. 46.
713. Penalties in respect of offence within metropolitan police district to be paid to receiver, and applied under 2 & 3 Vict. c. 71.	2 & 3 Vict. c. 71. 10 & 11 Vict. c. 27. s. 95.
714. Tender of amends.	„ „ s. 91.
715. Application of penalties.	17 & 18 Vict. c. 104. s. 524.
716. Solicitors, clerks, and officers of customs may conduct cases.	16 & 17 Vict. c. 107. s. 323.
717. Limitation of time in summary proceedings.	17 & 18 Vict. c. 104. s. 525.
718. Not to prevent persons being indicted under any other Act, &c.	
719. Document proved without calling attesting witness.	„ „ s. 526.
720. Recovery by Board of Trade of expenses.	25 & 26 Vict. c. 19. s. 10.
721. Costs to be payable by Board of Trade.	
722. Punishment for embezzlement in shipping offices.	25 & 26 Vict. c. 63. s. 16.
723. Application of Act to Scotland and Ireland.	
724. Penalty for breach of byelaws.	

PART XVIII.

MISCELLANEOUS.

725. Powers of Commissioners of Customs as to colonies extended to governors, &c.	
726. Harbour-master at Holyhead may be commissioned as justice.	30 & 31 Vict. c. 124. s. 12.

Coasting Trade.

727. Detainer of ship.	
728. Act not to affect Passenger Acts.	
729. Corporations, &c. may grant site for sailors homes.	} 17 & 18 Vict. c. 104. ss. 545, 546.
730. Expenses incurred by Commissioners of Customs to be paid out of the consolidated customs.	
	„ „ s. 548.

Clauses.

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| 731. Penalty on false declarations made with respect to Naval Reserve. | 22 & 23 Vict. c. 40. |
| 732. Regulation of coasting trade by colonial legislature. | |
| 733. Power of colonial legislatures to alter provisions of Act. | 17 & 18 Vict. c. 104. s. 547. |

SCHEDULES.

MEMORANDUM.

It is proposed in this Bill to consolidate and repeal the following Acts with proper saving clauses, namely,—

- 11 & 12 Wm. 3. c. 7. An Act for the more effectual suppression of Piracy.
- 8 Geo. 1. c. 24. An Act for the more effectual suppression of Piracy.
- 26 Geo. 3. (Ireland) c. 19. Commissioners of Irish Lights.
- 50 Geo. 3. c. 108. An Act to amend and enlarge the power of an Act passed in the second year of His present Majesty, for the encouragement of the fisheries of this kingdom, and the protection of the persons employed therein.
- 8 & 9 Vict., c. 20. sec. 17. Railway Clauses Act, 1845.
- 8 & 9 Vict. c. 33. sec. 17. Railway Clauses Act, (Scotland,) 1845.
- 8 & 9 Vict. c. 90. ss. 9 to 12. (Differential dues on foreign ships.)
- 10 & 11 Vict. c. 27. Harbours Clauses Act, 1847.
- 14 & 15 Vict. c. 49. Preliminary Inquiries Act, 1851.
- 14 & 15 Vict. c. 99. sec. 12. Evidence of Ship Register.
- 16 & 17 Vict. c. 107. ss. 190, 324 to 331. (Colonial trade and reciprocity with foreign countries.)
- 16 & 17 Vict. c. 129. Pilotage Amendment, 1853.
- 16 & 17 Vict. c. 131. Merchant Shipping Amendment, 1853.
- 17 & 18 Vict. c. 104. Merchant Shipping Act, 1854.
- 17 & 18 Vict. c. 120. Merchant Shipping Repeal Act, 1854.
- 18 & 19 Vict. c. 91. Merchant Shipping Amendment Act, 1855.
- 18 & 19 Vict. c. 96. ss. 13 to 16. (Foreign ships in coasting trade, and powers of colonial governors.)
- 19 & 20 Vict. c. 41. Seamen's savings banks, 1856.
- 20 & 21 Vict. c. 62. s. 17. (Revivor of 8 & 9 Vict. c. 90. ss. 9 to 12.)
- 23 & 24 Vict. c. 126. s. 25. Common Law Procedure Act, 1860, as to liability of shipowner.

- 24 & 25 Vict. c. 10. secs. 9, 11 to 13. Admiralty Court Act, 1861. (Jurisdiction as to salvage, mortgages of ships, and liability of shipowner.)
- 24 & 25 Vict. c. 45. Pier and Harbours Act, 1861.
- 24 & 25 Vict. c. 47. Harbours and Passing Tolls Act, 1861.
- 24 & 25 Vict. c. 96. secs. 64 to 66. Larceny Act. (Stealing wreck, shipwrecked property, &c.)
- 24 & 25 Vict. c. 97. ss. 47 to 49. Offences against Property Act.
(False lights, removal of sea marks, and destruction of wreck.)
- 24 & 25 Vict. c. 100. ss. 17, 37. Offences against Person Act.
(Impeding shipwrecked persons and preservation of wreck.)
- 25 & 26 Vict. c. 19. Pier and Harbour Amendment Act, 1862.
- 25 & 26 Vict. c. 63. Merchant Shipping Amendment, 1862.
- 25 & 26 Vict. c. 69. Harbour Transfer Act, 1862.
- 26 & 27 Vict. c. 92. secs. 13 to 19, Railway Clauses Act, 1863.
(Sections for protection of navigation.)
- 27 & 28 Vict. c. 27. Anchors testing Act, 1864.
- 30 & 31 Vict. c. 124. Merchant Shipping Amendment Act, 1867.
- 31 & 32 Vict. c. 129. Colonial Shipping Act, 1868.
- 32 & 33 Vict. c. 11. Merchant Shipping (Colonial) Act, 1869.
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A
B I L L

TO

Consolidate and amend the Acts relating to Merchant
Shipping and Navigation.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

Preliminary.

1. This Act may be cited for all purposes as "The Merchant Shipping Act, 1869."

Short title of
Act.

2. In this Act (if not inconsistent with the context or subject matter) :—

Interpreta-
tion of
certain terms
in this Act.

10 The term "the United Kingdom" means Great Britain and Ireland :

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom as above defined, and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act :

15 The term "legislature" means any person or persons who exercise legislative authority in any British possession, and where there are local legislatures as well as a central legislature means the central legislature only :

20 The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them :

25 The term "the Admiralty" means the Lord High Admiral or the Commissioners for executing his office :

The term "the Trinity House" means the master, wardens, and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish
[Bill 267.]

A

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of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond :

The term "consular officer" includes consul general, consul, and vice-consul, and any person for the time being discharging the duties of consul general, consul, or vice-consul : 5

The term "master" includes every person having command or charge of any ship :

The term "seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship : 10

The term "person" includes body corporate :

The term "ship" includes every description of vessel used in navigation not propelled by oars :

The term "foreign-going ship" includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits ; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man : 15

The term "coasting ship" includes every ship employed in trading or going within the following limits ; that is to say, the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, and Man : 20

The term "coasting passenger ship" means every coasting ship employed in carrying passengers :

The term "boat" means every description of vessel used in navigation not being a ship : 25

The term "tackle," used in relation to a ship, includes all furniture and apparel thereof :

The term "wreck" includes jetsam, flotsam, lagan, and derelict, found in or on the shores of the sea or any tidal water : 30

The term "tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides :

The term "tidal lands" means such parts of the bed, shore, or banks of a tidal water, as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides : 35

The term "harbour" includes any harbour properly so called, whether natural or artificial, and any haven, estuary, dock, pier, jetty, and work, in or at which ships do or can obtain shelter, or ship or unship goods or passengers ; and the same term, when used in any provision relating to the jurisdiction or powers of a harbour authority, extends to and includes the whole limits assigned by any statute or other law, or by charter or usage, as the limits of the harbour or the limits within 40

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which such jurisdiction or powers may be exercised, with all docks, quays, yards, works, and buildings within those limits belonging to such harbour authority or being under the exclusive controul of such harbour authority by virtue of such statute, law, charter, or usage :

5

The term "harbour authority" means any persons or person, being proprietors or proprietor of or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour :

10

The term "conservancy authority" means any person intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water :

The term "shipping purpose" includes the constructing or doing of any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods or passengers, or is intended to do so, and also the management and superintending of any such work ; and also includes the maintenance of any lifeboat or other means of preserving life in case of shipwreck :

15

20

The term "special Act" means a local or local and personal Act, or an Act of a local and personal nature, and includes a provisional order of the Board of Trade confirmed by Act of Parliament, and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864 ; and powers under a Provisional Order so confirmed, or under such certificate, are included among "statutory powers" within the meaning of this Act :

25

The term "the Lands Clauses Acts" means, with respect to England and Ireland, The Lands Clauses Consolidation Act, 1845, and any Act amending the same ; and, with respect to Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same :

30

The term "goods" includes wares and merchandize of every description, and all articles in respect of which dues are payable in or at any harbour :

35

The term "wharf" includes all wharves, quays, docks, and premises in or on which goods when landed from ships may be lawfully placed :

The term "warehouse" includes all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed :

40

The term "ballast" includes anything used for the ballasting of ships :

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The "term "due" means any due toll, rate, impost, tax, charge, or duty, or payment in the nature thereof, payable in respect of ships or goods carried in ships, other than a duty of customs levied for the use of Her Majesty :

The term "quarter sessions" includes general sessions : 5

The term "court" includes any justices, sheriff, or magistrate exercising jurisdiction for the purposes of this Act.

Commence-
ment of Act.

3. This Act shall not come into operation until the first day of May one thousand eight hundred and seventy, which day is in this Act referred to as the commencement of this Act. 10

Exemption
of Her Ma-
jesty's ships.

4. This Act shall not, except as herein-after specially provided, apply to ships belonging to Her Majesty.

Division of
Act.

5. This Act shall be divided into eighteen parts :—

The first part relating to British ships ; their ownership, mea-
surement, and registry : 15

The second part to masters and seamen :

The third part to safety and prevention of accidents :

The fourth part to delivery of goods and lien for freight :

The fifth part to liability of shipowners :

The sixth part to wreck and salvage : 20

The seventh part to pilotage :

The eighth part to lighthouses :

The ninth part to conservancy :

The tenth part to harbour government :

The eleventh part to loans to harbours : 25

The twelfth part to powers for harbours by provisional order :

The thirteenth part to local charges on shipping :

The fourteenth part to the Board of Trade :

The fifteenth part to the Mercantile Marine Fund :

The sixteenth part to provisional orders : 30

The seventeenth part to legal procedure :

The eighteenth part to miscellaneous matters.

PART I.

PART I.
*British
Ships, &c.*

BRITISH SHIPS: THEIR OWNERSHIP AND REGISTRY.

6. This part of this Act applies to the whole of Her Majesty's dominions. Application of Part. 1854, s. 17.

5 7. For purposes of this Act, a ship shall be deemed a British ship if she belongs wholly to persons entitled to be owners of British ships, and not otherwise. Definition of British ships.

8. Persons and bodies corporate coming within the following descriptions, and no others, are entitled to be owners of British ships: Exclusive description of owners of British ships. 1854, s. 18.

- 10 (1.) Natural-born British subjects :
(2.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession :
15 (3.) Persons made denizens by letters of denization :
(4.) Bodies corporate established under and subject to the laws of some part of the Her Majesty's dominions, and having their principal place of business in those dominions :

Provided always, as follows:—

- 20 (1.) A natural-born British subject who has taken the oath of allegiance to a foreign sovereign or state, or become a citizen of a foreign state, shall not be entitled to be owner of a British ship if, after taking that oath or becoming citizen of that state, he have not taken the oath of allegiance to Her Majesty, and if at any time during
25 the period of his claiming to be such owner he have not one or more of the following qualifications, namely,—
(a.) Is resident in Her Majesty's dominions ;
(b.) Is member of a British factory ;
30 (c.) Is partner in a house actually carrying on business in Her Majesty's dominions :
(2.) A person naturalized or made a denizen as aforesaid shall not be entitled to be owner of a British ship if he have not taken the oath of allegiance to Her Majesty after
35 being naturalized or made denizen, and if at any time during the period of his claiming to be such owner he have not one or more of the qualifications specified in this proviso.

Obligation of registration, with the exception of ships in schedule. 1854, s. 19 (2), (3).

9. Every British ship shall be registered under this Act, subject to this qualification, that it shall not be necessary that ships coming within one of the classes described in the first schedule to this Act be so registered.

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*British
Ships, &c.*

Her Majesty
in Council
may alter
first
schedule.

Recognition
of British
ships.
1854, s. 19.

Conse-
quences of
non-re-
cognition
as British
ship.
1854, s. 106.

Production
of certificate
before
clearance
granted.
1854, s. 19.

10. It shall be lawful for Her Majesty from time to time by Order in Council to direct that any classes of ships may be added to those described in the first schedule to this Act, and to revoke or alter such order; and so long as such order is in force it shall not be requisite for ships coming within any of the classes so added to be registered under this Act. 5

11. A ship required to be registered under this Act shall not unless so registered be entitled to be recognized as a British ship.

12. Where under this Act a ship belonging to any person or body qualified according to this Act to own a British ship is not entitled to be recognized as a British ship the following consequences shall ensue:—

- (1.) The ship shall not be entitled to use the British flag or assume the British national character: 15
- (2.) The ship shall not be entitled to any benefit, privilege, advantage, or protection usually enjoyed by British ships:
- (3.) As far as regards the payment of dues, the liability of owners to penalties, and punishments of offences committed on board, or by any persons belonging to her, and all matters 20 relative thereto, the ship shall be dealt with as if she were recognised as a British ship.

13. The master of a British ship shall, whenever called upon to do so by any British officer of customs or British consular officer, produce to such officer her certificate of registry or other national 25 papers; and any officer of customs may detain her until such certificate is produced to him.

Measurement of Tonnage.

Gross ton-
nage.
1854, ss. 20-
24.

Register
tonnage.

14. The gross tonnage of every ship shall be deemed to be the cubical contents of the hull of the ship, and of every covered-in 30 space on the upper deck; and in cases where cargo is carried on deck, of a certain space thereon not covered in. And the contents of such spaces shall be determined in the manner specified in the regulations contained in the second schedule to this Act, in this Act referred to as the tonnage regulations of this Act. 35

The register tonnage of sailing ships shall be deemed to be the gross tonnage as above described, less the space occupied by seamen and apprentices, and appropriated to their use. The register tonnage of ships propelled by steam or other power requiring engine room shall be deemed to be the gross tonnage as above described, 40 less the space occupied by seamen and apprentices, and appropriated to their use, and also less the space occupied by the engine room

and adjoining coal bunkers. And the contents of the said crew spaces and engine spaces, and the deductions on account thereof, shall be determined in manner specified in the tonnage regulations of this Act.

5 15. If any goods or stores are stowed or carried in any space for which a deduction from the gross tonnage of a ship has been allowed, in accordance with the tonnage regulations of this Act, the master and owner shall each be liable to a penalty not exceeding one hundred pounds, and every such space in which goods are stowed
10 or carried shall ever afterwards be added to and form part of the registered tonnage of the ship.

Penalty for carrying goods in such space.

16. The Commissioners of Customs, with the approval of the Board of Trade, may from time to time alter the regulations contained in the second schedule to this Act or any of them, and any
15 altered regulation for the time being in force by virtue of this section shall be deemed one of the tonnage regulations of this Act.

Alteration of tonnage regulations. 1854, s. 29.

17. The Commissioners of Customs, from time to time, with the approval of the Treasury, may appoint such persons as they think fit to be surveyors for the purposes of this part of this Act,
20 who shall superintend the survey and measurement of ships (and who are in this Act referred to as measuring surveyors), and, with the approval of the Board of Trade, may make regulations respecting the performance of the duties of such surveyors.

Surveyors and regulations for measurement of ships. 1854, s. 29.

18. Whenever it appears to Her Majesty in Council that the
25 tonnage regulations of this Act have been adopted by the government of any foreign country, and are in force there, whether without modification or with such modifications only as appear to Her Majesty in Council immaterial, an order in council may direct that the ships of that country shall for all purposes in Her Majesty's
30 dominions be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and the provisions of any such order shall have effect as if they had been enacted by Parliament.

Ships of foreign countries adopting tonnage regulations of Act need not be re-measured. 25 & 26 Vict. c. 63. s. 60.

19. The owner of any ship which is measured under Rule II. of
35 the tonnage regulations of this Act may at any subsequent period apply to the Commissioners of Customs to have the said ship remeasured under Rule I. of the same regulations; and the said commissioners may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each transverse section
40 as they may authorize, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

Ships measured under Rule II. may be measured under Rule I.

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*British
Ships, &c.*

Tonnage
when once
ascertained
to be ever
after deemed
the tonnage.

20. Whenever the register tonnage of any ship has been ascertained and registered in accordance with the provisions of this Act, the same shall thenceforth, save as is otherwise expressly provided by this Act, be deemed to be the tonnage of such ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form, internal arrangement, or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the rules herein-before contained in that behalf. 5 10

Remeasure-
ment of
ships regis-
tered before
Act.
1854, s. 27.

21. The regulations for the measurement of tonnage under this Act shall not make it necessary to alter the register tonnage of any British ship registered before the commencement of this Act, but if the owner of a ship registered as by law required at the commencement of this Act desires that the entry of the ship's tonnage in the register book should be according to measurement under the tonnage regulations of this Act he may apply to the Commissioners of Customs for permission to have the ship measured again according to the tonnage regulations of this Act, and the Commissioners of Customs may thereupon, and on payment by him of such fee not exceeding seven shillings and sixpence for each transverse section as they appoint, direct the same to be measured again, and the entry in the register book shall be altered accordingly. 15 20

Registry of British Ships.

Her Majesty
in Council
may declare
who are to
be registrars.
*Merchant
Shipping
Colonial
Act, 1869,
s. 6. extended
to United
Kingdom.*

22. It shall be lawful for Her Majesty from time to time by Order in Council to declare, either with respect to the United Kingdom, or with respect to any British possession, the description of persons who are to be registrars of British ships in the places specified in such order, and to revoke or vary any such order. 25

After the date specified in the order, or if there be no date, after the date of the publication of such order in the London Gazette as respects the United Kingdom, and after the date of the proclamation of the order as respects any British possession, the persons described in the order shall in the places specified in such order register British ships, and be deemed registrars for the purposes of this Act. 30 35

Persons in
third sche-
dule to be
registrars
of British
ships until
varied by
Order in
Council.
1854, s. 30.

23. Subject to any alterations which may be made by any such order, and until any such order comes into force, the persons mentioned in the third schedule to this Act shall register British ships, and shall be deemed registrars for purposes of this Act. 40

24. Every registrar shall keep a book, to be called the register book, and shall enter therein the particulars by this Act required to be registered.

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*British
Ships, &c.*

Registrar to
keep regis-
ter book.

1854, s. 32.

Application
for regis-
tration by
whom to be
made.

1854, s. 35.

25. An application for registration of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent, the authority of such agent, if appointed by individuals, being testified by writing under the hands of the appointors, and if appointed by a body corporate by writing under the common seal of that body.

26. Before the registration of a ship she shall be surveyed by a surveyor, who shall grant a certificate specifying her tonnage and build, the horse power of her engines, and such other particulars descriptive of her identity, as the Board of Trade from time to time direct, and the certificate of such surveyor shall be delivered to the registrar before the ship is registered.

Measuring
survey of
ship.

1854, s. 36.

“Horse-power” shall be calculated as follows, that is to say, the square of the number of inches in the diameter of the cylinder shall be multiplied by the number of feet the piston moves per minute, and the product shall be divided by six thousand.

If there be more than one engine in any ship, the horse-power of each engine shall be calculated in the same way, and the sum of the horse-power of all the engines shall form the total horse-power of the engines of such ship.

The horse-power of a ship shall, for the purposes of this Act, be deemed to be her horse-power as stated in her register.

27. The following rules shall be observed with respect to the names of registered British ships :

Name of
ship.

1854, s. 34.

1855, s. 13.

(1.) Before registry, the name of the ship and the name of her port of registry shall be painted on a conspicuous part of her stern on a dark ground in white or yellow letters of a length not less than four inches and of proportionate breadth and thickness (but the Commissioners of Customs may, with the consent of the Board of Trade, exempt any pleasure yacht from this provision) :

(2.) No concealment, absence, or avoidable obliteration of the name of the ship or port shall be permitted, except for the purpose of escaping capture by an enemy :

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*British
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- (3.) A ship shall not be described, by or with the knowledge of her owner or master, by any name other than the one by which she is registered :
- (4.) No change shall be made in the name of any registered ship :
- (5.) If in any case it is shown to the satisfaction of the Commissioners of Customs that a change has been made in the name of any registered ship, they may, if they think fit, direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on the ship's stern, accordingly :
- (6.) No registrar shall register any ship which having once been registered has ceased to be registered, except in the name by which she was originally registered :

and for every breach of any provision of this section the owner and master shall each be liable to a penalty not exceeding *one hundred pounds.*

Number of
tonnage, &c.
to be carved
on beam.
1854, s. 25.

28. In every registered British ship the number denoting her register tonnage and her official number, and the number of her certificate of registry, shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued, and in default thereof the ship shall no longer be recognized as a British ship.

Port of
registry.
1854, s. 33.

29. The port or place at which a British ship is registered for the time being shall be deemed her port of registry or the port to which she belongs.

Substitution
of governor
for Commis-
sioners of
Customs.
1854, s. 31.

30. The governor of any British possession where any ship is registered under this Act shall, with regard to the performance of anything relating to the registry of a ship or of any interest therein, be considered in all respects as occupying the place of the Commissioners of Customs.

Her Majesty
may make
foreign port
a port of
registry in
certain cases.

31. Where, in accordance with an Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter ninety-four, intituled "An Act to remove doubt as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," Her Majesty exercises jurisdiction within any foreign port or place, it shall be lawful for Her Majesty from time to time, by Order in Council, to declare such foreign port or place a port of registry, in this Act referred to as a "foreign port of registry," and in like manner to revoke or vary any such order.

Where any foreign port or place is declared a port of registry Her Majesty may by Order in Council declare what person or persons thereat shall register British ships, and may make, vary, and alter regulations with regard to the registry of ships thereat, and every
 5 such person shall, so long as the port continues a port of registry, be deemed a registrar for the purposes of this Act.

32. Entries in the register book shall be made according to the following provisions:

Entries in
register
book.
1854, s. 37.

- 10 (1.) The property in a ship shall be divided into sixty-four shares :
- (2.) Subject to the provisions of this Act, respecting joint owners and owners by transmission, not more than thirty-two individuals shall be entitled to be registered at the same time as owners of any one ship ; but this provision shall
 15 not affect the beneficial title of any number of persons or body corporate represented by or claiming under or through any registered owner or joint owner :
- (3.) No person shall be registered as owner of a fractional part of a share in a ship ; but any number of persons, not
 20 exceeding five, may be registered as joint owners of a ship, or of a share or shares therein :
- (4.) Joint owners shall be considered as constituting one person only as regards the provisions of this section relative to the number of persons entitled to be registered as owners, and shall not be entitled to dispose in severalty of any
 25 interest in any ship or in any share or shares therein in respect of which they are registered :
- (5.) A body corporate may be registered as owner by the corporate name.

30 **33.** An individual shall not be entitled to be registered as owner of a ship or of a share therein until he has made and signed, and a body corporate shall not be entitled to be so registered until their secretary or other officer has made and signed, a declaration referring to the ship as described in the surveyor's certificate, and
 35 containing the following particulars :

Declaration
of owner-
ship by
individual or
for body
corporate.
1854, ss. 38,
39.

- (1.) A statement of the qualification of the individual or body corporate to own a British ship :
- (2.) A statement of the name of the ship :
- (2a.) A statement of the name of the managing owner (if any)
 40 of the ship :
- (3.) A statement of the time when and the place where she was built, or, if she is foreign-built and the time or place of

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Ships, &c.

building is not known to the declarant, a statement that she is foreign-built and that the declarant does not know the time or place of her building, with a statement of her foreign name; and in the case of a ship condemned, a statement of the time, place, and court at and by which she was condemned:

- (4.) A statement of the name of the master:
- (5.) A statement of the number of shares in the ship which the individual or body corporate owns:
- (6.) A denial, to the best of the declarant's knowledge and belief, that any unqualified person or body has as owner any legal or beneficial interest in the ship or in any share therein.

Evidence on
first regis-
tration.
1854, s. 40.

34. On the first registration of a ship there shall, besides the declaration of ownership, be produced the following evidence: 15

- (1.) In the case of a British-built ship, a certificate (which the builder is hereby required to grant under his hand) containing a true account of the proper denomination and of the tonnage of the ship as estimated by him, and of the time when and of the place where she was built, and of the name of the person (if any) on whose account he built the same, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the person requiring to be registered as owner: 25
- (2.) In the case of a foreign-built ship the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the person or body requiring to be registered as owner:
- (3.) In the case of a ship condemned an official copy of the condemnation. 35

Penalty for
false certi-
ficate by
builder.
1854, s. 41.

35. If any builder makes in any certificate by this Act required to be granted by him a statement false in any material particular, he shall for every such offence be liable to a penalty not exceeding one hundred pounds, unless he shows to the satisfaction of the court or justice before whom he is charged that he did not know of such falsity, and that he could not, with reasonable diligence, have obtained such knowledge. 40

36. As soon as the requisitions of this Act preliminary to registration have been complied with the registrar shall enter in the register book the following particulars relating to the ship :

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Particulars
of entry in
register
book.

1854, s. 42.

(1.) The name of the ship and of the port to which she belongs :

(2.) Her official number :

(3.) The details respecting her tonnage, build, horse-power of her engines, and description comprised in the surveyor's certificate :

(4.) The particulars respecting her origin stated in the declaration of ownership :

(5.) The name and description of her registered owner, and if there are more owners than one the proportions in which they are interested in her :

(6.) The name of the managing owner (if any).

37. Notice of any trust, express, implied, or constructive, shall not be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person or body, the registered owner of a ship or share therein shall have power absolutely to dispose in manner in this Act provided of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

No notice of
trusts.
1854, s. 43.

38. The expression "beneficial interest," where used in this part of this Act, includes interests arising under contract and other equitable interests ; and the intention of this Act is, that, without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein as equities may be enforced against any persons in respect of any other personal property.

Equities not
excluded by
this Act.

25 & 26 Vict.
c. 63. s. 3.

39. Of the documents by this Act required to be produced to the registrar he shall retain in his possession the following ; namely, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership.

Registrar to
retain docu-
ments.
1854, s. 61.

40. Where it is made to appear to the satisfaction of any of the following courts, that is to say,

Court may
amend
register.

In England or Ireland, the Court of Chancery, one of the superior courts of Common Law, or the High Court of Admiralty,

In Scotland, the Court of Session;

In any other part of Her Majesty's dominions, the court having the principal civil jurisdiction there;

At any foreign port of registry, any British court having Admiralty jurisdiction there;

Upon the application of any interested person, made by petition or otherwise as the court to which the application is made directs, that the register of any ship registered within the jurisdiction of such court is incorrect in any of the matters specified in such register, the court may order the register of the ship to be amended in such manner as it thinks fit:

The court may make the order upon such terms as to payment of costs or otherwise as it thinks just, or may refuse to make any such order, and generally may act in the premises as it thinks just; and every registrar, without being made a party to the proceeding, shall, upon being served with an order or an official copy thereof, obey the same.

Certificate of Registry.

Certificate of
registry.
1854, s. 44.

41. On completion of the registration of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, and the name of her master.

Indorsement
of change
of owner-
ship on
certificate.
1854, s. 45.

42. Whenever a change occurs in the registered ownership of a ship, then, if it occurs while she is at her port of registry, the master, or if there be for the time being no master, the owner or other person having the custody of the certificate of registry, shall forthwith deliver such certificate to the registrar, who shall indorse thereon a memorandum of the change; but if it occurs while she is not at her port of registry then the master shall, on her first return to that port, deliver the certificate of registry to the registrar, who shall indorse thereon a memorandum of the change; or if she previously arrives at a port where there is a registrar that registrar shall, on being advised by the registrar of her port of registry of the change, endorse a memorandum thereof on the certificate of registry, and may for that purpose require the certificate to be delivered to him, so as the ship be not thereby detained; and if any master fails to deliver to the registrar the certificate of registry as required by this section he shall for every such offence be liable to a penalty not exceeding one hundred pounds.

43. Where the master of a registered ship is changed, each of the following persons, that is to say, if the change is made in consequence of the sentence of a naval court, the presiding officer of that court, but if the change occurs from any other cause, the registrar, or if there be none, the consular officer resident at the port where the change occurs, shall indorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Commissioners of Customs; and the officers of customs at any port in the British dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or indorsed on her certificate of registry as her last appointed master.

44. The registrar of the port of registry of a ship, with the approval of the commissioners of customs, on the delivery up to him of the certificate of registry of a ship, may grant a new certificate in lieu thereof.

45. In case the certificate of registry of a ship is mislaid, lost, or destroyed, then, if that event occurs at a port in the United Kingdom, the ship being registered in the United Kingdom, or at a port in a British possession, the ship being registered in that possession, or at a foreign port of registry, the ship being registered at such port, the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate; but if the event occurs elsewhere, the master or some other person having knowledge of the facts of the case shall make a declaration before the registrar of any port having a registrar or the consul of any port not having a registrar at which the ship is at the time of the event or first arrives thereafter, stating the facts of the case, and the names and descriptions of the registered owners to the best of the declarant's knowledge and belief, and thereupon the registrar or consul, as the case may be, shall grant a provisional certificate, containing a statement of the circumstances under which it is granted.

46. The provisional certificate shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she be registered in the United Kingdom, or at her port of discharge in any British possession, if she be registered in such possession, or at her port of registry, if she be registered at a foreign port, be delivered up to the registrar of her port of registry, who shall thereupon grant a new certificate of registry; and if the master fails to deliver up the certificate within the ten days aforesaid, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

PART I.
*British
Ships, &c.*Custody of
certificate.
1854, ss. 50,
51.

47. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person on or in the ship; and if any person, whether interested in the ship or not, fails on request to deliver up the certificate to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery, any justice by warrant under his hand, or any court capable of taking cognizance of the matter, 10 may cause the person so refusing to appear and be examined touching such failure, and unless he shows to the satisfaction of the justice or court that there was reasonable cause for such failure, he shall be liable to a penalty not exceeding *one hundred pounds*; but if it appears to the justice or court that the certificate 15 is lost the person complained of shall be discharged, and the justice or court shall thereupon certify that the certificate of registry is lost.

If the person charged is proved to have absconded so that the warrant of a justice or process of a court cannot be served on 20 him, or if he persists in not delivering the certificate, the justice or court before whom he is charged shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost or destroyed, or as near thereto as circumstances permit. 25

Penalty for
use of
improper
certificate.
1854, s. 52.

48. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of such ship, he shall be guilty of a misdemeanor, and such ship shall be subject to forfeiture under this Act.

Delivery up
of certificate
of ship lost
or ceasing to
be British
owned.
1854, s. 53.

49. If a registered ship is lost, taken by the enemy, burnt, or 30 broken up, or by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, ceases to be a British ship, every person who, at the time of the occurrence of the event aforesaid, owns the ship, or any share therein, shall immediately on obtaining knowledge of the event, if notice thereof has not already been given 35 to the registrar at her port of registry, give such notice to him, and he shall make an entry thereof in the register book; and, except where her certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port, immediately, but if it occurs elsewhere then within *ten* days after his arrival in port, 40 deliver the certificate to the registrar, or if there be no registrar to the consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the consular officer, shall

forthwith forward the certificate delivered to him to the registrar of her port of registry; and if any owner or master, without reasonable excuse (proof whereof shall lie on him), fails in any respect to comply with this section, he shall for every such offence be liable to 5 a penalty not exceeding *one hundred pounds*.

50. If at a foreign port, not being a port of registry under this Act, a ship becomes the property of a person qualified to own a British ship, the consular officer there may grant to her master, on his application, a provisional certificate, stating,—

Provisional
certificate
for ships
becoming
British
owned
abroad.
1854, s. 54.

10 Her name :

The time and place of her purchase, and the name of her purchaser :

The name of her master :

The best particulars respecting her tonnage, build, and description that he is able to obtain :

15 And he shall forward a copy of the certificate at the first convenient opportunity to the Commissioners of Customs, and the certificate shall have the effect of a certificate of registry until the expiration of *six months* from its date, or the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those 20 events happening the certificate shall cease to have effect.

On the arrival of the ship at a port where is a registrar the master shall forthwith deliver the provisional certificate to the registrar, and if any master, without reasonable excuse (proof whereof shall lie on him), fail to comply with this enactment, he 25 shall for every offence be liable to a penalty not exceeding *one hundred pounds*.

51. It shall be lawful for Her Majesty, from time to time, by Order in Council, to make and to cancel or alter regulations with respect to any British possession named in such order, providing 30 that, on an application for the registration under this Act in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of *six months* or any longer period from the granting thereof; and all 35 certificates of registry granted under any such regulations shall have effect subject to such conditions as the regulations prescribe.

Terminable
certificates
of registry
may be
granted in
colonies.
Merchant
Shipping
Act, 1868.

Any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a 40 registered British ship.

52. In cases where it appears to the Commissioners of Customs, or to the governor or other person administering the government

Power for
commis-

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*British
Ships, &c.*

sioners or
governor in
special cases
to grant a
pass to a
ship not
registered.
1854, s. 18.

of any British possession, or in the case of a foreign port of registry to the person nominated in that behalf by Her Majesty in Council, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in Her Majesty's 5 dominions, or within which Her Majesty hath jurisdiction, to any other port or place within Her Majesty's dominions or within which Her Majesty hath jurisdiction, it shall be lawful for such commissioners or governor or other person to grant a pass accordingly, and such pass shall, for the time and within the limits therein 10 mentioned, have the same effect as a certificate of registry.

Transfers and Transmissions.

Transfer of
ships or
shares.
1854, s. 55.

53. A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale; and a bill of sale shall contain a description of the ship 15 corresponding with that in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.

Declaration
by trans-
feree.
1854, s. 56.

54. Where a registered ship or a share therein is transferred, an 20 individual shall not be entitled to be registered as owner thereof until he has made and signed, and a body corporate shall not be entitled to be registered as owners thereof until their secretary or other officer has made and signed, a declaration (in this Act called a declaration of transfer) referring to the ship, and containing the 25 following particulars:

- (1.) A statement of the qualification of the person or body to own a British ship:
- (2.) The name of the managing owner of the vessel (if any):
- (3.) A denial that to the best of the declarant's knowledge and 30 belief any unqualified person or body owns or own any legal or beneficial interest in the ship or share.

Register of
transfer.
1854, s. 57.

55. Every bill of sale for the transfer of a registered ship or of a share therein, when executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the regis- 35 trar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall indorse on the bill of sale the fact of such entry having been made, with the day and hour thereof; and bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production 40 to the registrar.

56. Where a ship or share is transmitted on death, bankruptcy, or insolvency, or on the marriage of a female owner, or otherwise than by transfer under this Act, the following provisions shall have effect:

Trans-
mission of
property by
death, bank-
ruptcy, mar-
riage, &c.
1854, ss. 58-
60.

5 (1.) The transmission shall be authenticated by a declaration of the person taking by transmission (in this Act called a declaration of transmission), containing a statement and denial similar to those required in a declaration of transfer, with a statement of the manner in which and the person or body to whom the transmission has taken effect:

10 (2.) If the transmission is consequent on bankruptcy or insolvency, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of parties claiming under a bankruptcy or insolvency:

15 (3.) If it is consequent on marriage, the declaration of transmission shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner:

20 (4.) If the transmission is by bequest or on intestacy, then in England and Ireland the declaration of transmission shall be accompanied by the probate or letters of administration or an official extract thereof, and in Scotland or in a British possession by the will or a copy thereof, being evidence by the laws of Scotland or of such possession, or by letters of administration or a copy thereof, or by such other document as by the law of Scotland or of such possession is receivable in the courts of judicature thereof as proof of the person entitled on intestacy:

30 (5.) The registrar, on receipt of the declaration of transmission so accompanied, shall enter the name of the person or persons entitled under the transmission in the register book as owner or owners of the ship or share transmitted; and those persons, if more than one, shall, however numerous, be considered as one person only as regards the provisions of this Act relating to the number of persons entitled to be registered as owners.

57. Where a ship or share is transmitted on death or marriage to a person not qualified to own a British ship, the following provisions shall have effect:

On trans-
mission to
unqualified
person.

(1.) If the ship is registered in England or Ireland, the Court of Chancery, one of the Superior Courts of Common Law, or

Order for
sale.
1854, ss. 62-
64.

the High Court of Admiralty, if in Scotland the Court of Session, if in any other part of Her Majesty's dominions any court possessing the principal civil jurisdiction there, if at any foreign port of registry any British court having Admiralty jurisdiction there, on application by or on behalf 5 of such unqualified person, may, if the court thinks fit, order a sale of the ship or share transmitted, and direct the proceeds thereof, after deducting the expenses thereof, to be paid to the person entitled by transmission or otherwise, as the court thinks just, and the court may require any evidence 10 in support of the application it thinks requisite, and may make the order on any terms it thinks just, or may refuse any such order, and generally may act in the premises as the case requires :

- (2.) Every such order for sale shall contain a declaration vesting 15 in some person named by the court the right to transfer the ship or share to be sold, and such nominee shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he was the registered owner thereof; and every registrar shall obey 20 the requisition of such nominee in respect of any transfer as he would be compellable to obey the requisition of a registered owner :
- (3.) Every such application for sale shall be made within four weeks after the transmission, or within such further time 25 (not in any case exceeding in the whole one year from the transmission) as the court allows :
- (4.) In case no such application for an order for sale is made within the time aforesaid, or in case the court refuses an order for sale, the ship or share transmitted shall there- 30 upon be forfeited to the Crown.

Power of
court to
prohibit
transfer.
1854, s. 65.

58. Any of the said courts may, if the court thinks fit (without prejudice to the exercise of any other power of the court), on the summary application of any interested person, made by petition or otherwise, and either ex parte or on service of notice on any person 35 as the court directs, make an order prohibiting for a time specified any dealing with any ship or share, and the court may make the order on any terms it thinks just, or may refuse any such order, or may discharge any such order when made, with or without costs, and generally may act in the premises as the case requires ; and 40 every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Mortgages.

59. A registered ship or a share therein may be made a security for a loan or other valuable consideration, and on the production of the instrument creating such security (in this Act called a mortgage) the registrar of the ship's port of registry shall record it in the register book.

Mortgage of a ship or share.
1854, s. 66.

60. Mortgages shall be recorded by the registrar in the order in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the day and hour of such record.

Registration of mortgages in order of time.
1854, s. 67.

61. Where a registered mortgage is discharged the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on such entry being made the interest (if any) which passed to the mortgagee shall vest in the person in whom (regard being had to intervening acts and circumstances, if any,) it would have vested if the mortgage had not been made.

Entry of discharge of mortgage.
1854, s. 68.

62. If there are more mortgages than one of the same ship or share registered the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority, one before the other, according to the dates at which the mortgages are recorded in the register book, and not according to the dates of the mortgages.

Priority of mortgages.
1854, s. 69.

63. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not be deemed the owner of the ship or share, or the mortgagor be deemed to have ceased to be owner thereof by reason of the mortgage.

Mortgagee not to be owner.
1854, s. 70.

64. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee.

Mortgagee to have power of sale.
1854, s. 71.

PART I.
*British
Ships, &c.*Mortgage
not affected
by bank-
ruptcy.

1854, s. 72.

65. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the time of his becoming bankrupt had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest of the assignees of the bankrupt in or to the ship or share. 5

Transfer of
mortgages.

1854, s. 73.

66. A registered mortgage of a ship or share may be transferred to any person, and on the production of the instrument effecting such transfer the registrar shall enter in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand record on the instrument of transfer that it has been recorded by him, stating the day and hour of such record. 15

Trans-
mission of
interest in
mortgage by
death, bank-
ruptcy, or
marriage.1854, ss. 74,
75.

67. Where the interest of a mortgagee in a ship or share is transmitted on death, bankruptcy, or insolvency, or on the marriage of a female mortgagee, or otherwise than by a transfer according to this Act, the following provisions shall have effect:

- (1.) The transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, describing the transmission, and be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share: 20
- (2.) The registrar, on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share. 25

*Certificates of Mortgage and Sale.*Powers of
mortgage
and sale may
be conferred
by certificate.

68. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country or possession in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are herein-after mentioned, to be called respectively certificates of mortgage or certificates of sale, according as they purport to give a power to mortgage or a power to sell. 30 35

Requisites
for certifi-

69. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him

entered in the register book, the following particulars; (that is to say,)

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(1.) The names of the persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made if it is intended to fix any such minimum:

ates of
mortgage
and sale.
1854, s. 77.

(2.) The specific place or places where such power is to be exercised, or if no place be specified then that it may be exercised anywhere, subject to the provisions herein-after contained:

(3.) The limit of time within which such power may be exercised.

70. No certificate of mortgage or sale shall be granted so as to authorize any mortgage or sale to be made—

Restrictions
on certi-
ficates of
mortgage
and sale.
1854, s. 78.

At any place within the United Kingdom, if the port of registry of the ship be situate in the United Kingdom; or at any place within the same British possession if the port of registry is

situate within a British possession; or

By any person not named in the certificate.

71. Certificates of mortgage and sale shall contain a statement of the several particulars herein-before directed to be entered in the register book, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given.

Forms of
certificates
of mortgage
and sale.
1854, s. 79.

72. The following rules shall be observed as to certificates of mortgage; (that is to say,)

Rules as to
certificates
of mortgage.
1854, s. 80.

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) A record of every mortgage made thereunder shall be indorsed thereon by a registrar or British consular officer:

(3.) No mortgage *bonâ fide* made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage *bonâ fide* made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

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British
Ships, &c.

- (5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so indorsed the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which a record of each instrument is indorsed on the certificate, and not according to the date of the instrument creating the mortgage: 5
- (6.) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate: 15
- (7.) The discharge of any mortgage so registered on the certificate may be indorsed thereon by any registrar or British consular officer, upon the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such indorsement being made the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had been made: 25
- (8.) Upon the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents. 30

Rules as to
certificates
of sale.

1854, s. 81.

73. The following rules shall be observed as to certificates of sale; (that is to say,) 35

- (1.) A certificate shall not be granted except for the sale of an entire ship:
- (2.) The power shall be exercised in conformity with the directions contained in the certificate: 40

- (3.) No sale bonâ fide made to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale :
- 5 (4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no sale bonâ fide made to a purchaser for valuable consideration without notice shall be impeached by reason of
- 10 the bankruptcy or insolvency of the person by whom the power was given :
- (5.) Any transfer made to a person qualified to be the owner of British ships shall be by bill of sale in the form hereinbefore mentioned, or as near thereto as circumstances permit :
- 15 (6.) If the ship is sold to a party qualified to hold British ships, the ship shall be registered anew ; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book :
- 20 (7.) Previously to such registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship :
- (8.) Such last-mentioned registrar shall retain the certificates of
- 25 sale and registry, and after having indorsed on both of such instruments an entry of the fact of a sale having taken place, shall forward the said certificates to the registrar of the port appearing on such certificates to be the former port of registry of the ship, and such last-
- 30 mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein :
- 35 (9.) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee :
- 40 (10.) If the ship is sold to a party not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of

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British
Ships, &c.

registry shall be produced to some registrar or consular officer, who shall retain the certificates of sale and registry, and, having indorsed thereon the fact of such ship having been sold to persons not qualified to be owners of British ships, shall forward such certificates to the registrar of the 5 port appearing on the certificate of registry to be the port of registry of such ship ; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to 10 any unsatisfied mortgages or existing certificates of mortgage entered therein :

- (11.) If upon a sale being made to an unqualified person default is made in the production of such certificates as are mentioned in the last rule, such unqualified person shall be 15 considered by British law as having acquired no title to or interest in the ship ; and further, the party upon whose application such certificate was granted, and the persons exercising the power, shall each incur a penalty not exceeding one hundred pounds ; 20
- (12.) If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted ; and such registrar shall thereupon cancel it, and enter the fact of such cancellation in the register book ; and every certificate so cancelled shall be 25 void to all intents.

Power of
Commissioners of
Customs in
case of loss
of certificate of
mortgage or
sale.
1854, s. 82.

74. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then upon 30 proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar, with the sanction of the said commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book, or such other matter or thing to be done as might have been 35 made or done if no such loss or obliteration had taken place.

Revocation
of certificates of
mortgage
and sale.
1854, s. 83.

75. The registered owner for the time being of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his 40 hand, authorize the registrar, by whom such certificate was granted to give notice to the registrar or consular officer, registrars or

consular officers, at such place or places, that such certificate is revoked; and notice shall be given accordingly; and all registrars or consular officers receiving such notice shall record the same, and shall exhibit the same to all persons who may apply
 5 to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate of mortgage or sale; and after such notice has been so recorded the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect; and every registrar or
 10 consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

Registry anew, and Transfer of Registry.

15 **76.** Whenever any registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if such alteration is made at a port where there is a registrar, the registrar of such port, but if made elsewhere the registrar of the first port having a registrar at
 20 which the ship arrives after her alteration, shall, on application made to him, and on the receipt of a certificate from the proper surveyor specifying the nature of such alteration, either retain the old certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or indorse on the
 25 existing certificate a memorandum of such alteration, and subscribe his name to such indorsement; and the registrar to whom such application as aforesaid is made, if he is the registrar of the port of registry of the ship, shall himself enter in his register book the particulars of the alteration so made, and the fact of such new
 30 certificate having been granted or indorsement having been made on the existing certificate; but if he is not such last-mentioned registrar he shall forthwith report such particulars and facts as aforesaid, accompanied by the old certificate of registry in cases
 35 where a new one has been granted, to the registrar of the port of registry of the ship, who shall retain such old certificate (if any), and enter such particulars and facts in his register book accordingly.

Alteration in
ship to be
registered.
1854, s. 85.

77. When the registrar to whom application is made in respect of any such alteration as aforesaid is the registrar of the port of registry, he may, if he thinks fit, instead of registering such alteration,
 40 require such ship to be registered anew in manner herein-before

On alteration registry anew may be required.
1854, s. 85.

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directed on the first registry of a ship, and if he is not such registrar as lastly herein-before mentioned he may nevertheless require such ship to be registered anew, but he shall in such last-mentioned case grant a provisional certificate or make a provisional indorsement of the alteration made in manner herein-before directed in cases where 5 no registry anew is required, taking care to add to such certificate or indorsement a statement that the same is made provisionally, and to insert in his report to the registrar of the port of registry of the ship a like statement.

Grant of
provisional
certificate in
respect of
alteration.
1854, s. 86.

78. Every such provisional certificate, or certificate pro- 10 visionally indorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or, if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, 15 who shall thereupon cause such ship to be registered anew in the same manner in all respects as herein-before required on the first registry of any ship.

Consequence
of omission
to register
anew.
1854, s. 88.

79. On failure of such registry anew of any ship, or of registry of alteration of any ship so altered as aforesaid, such ship shall be 20 deemed not duly registered, and shall no longer be recognized as a British ship.

On change
of owners,
registry
anew may
be granted
if required.
1854, s. 88.

80. If upon any change of ownership in any ship the owner or owners desire to have such ship registered anew, although such registry anew is not required by this Act, it shall be lawful for the 25 registrar of the port at which such ship is already registered, on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or such of them as the registrar thinks material, being duly complied with, to make such registry anew, and grant a certificate thereof. 30

Registry
may be
transferred
from port
to port.
1854, s. 89.

81. The registry of any ship may be transferred from one port to another on the application of all parties appearing on the register to be interested therein as owners or mortgagees, such application to be expressed by a declaration in writing.

Manner of
transfer of
registry.
1854, s. 90.
1855, s. 12.

82. On such application and on delivery to the registrar of either 35 port of the certificate of registry, the registrar of the port of existing registry shall transmit to the registrar of the port of intended registry notice of the application, with a copy of all particulars relating to the ship, and the names of all parties appearing on the register to be interested therein as owners or mortgagees; and such 40

last-mentioned registrar shall, on the receipt of such notice, enter all such particulars and names in his register book, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at and belonging to such last-mentioned
 5 port, and the name of such last-mentioned port shall be substituted on the stern of such ship in lieu of the name of the port previously appearing thereon.

83. The transfer of the registry of any ship in manner aforesaid shall not in any way affect the rights of the several persons in-
 10 terested either as owners or mortgagees in such ship, but such rights shall in all respects be maintained and continue in the same manner as if no such transfer had been effected.

Transfer of
registry not
to affect
rights of
owners.
1854, s. 91.

Registry, Miscellaneous.

84. Declarations required by this part of this Act shall be made
 15 before a registrar or justice of the peace, or if there be no registrar or justice of the peace in any place, before a British consular officer; subject to this proviso, that if it be made to appear to Her Majesty in council, with reference to any place within Her Majesty's dominions, that such declarations may be more conveniently made
 20 before some other persons than those in this section specified, the said declarations shall be made in such place, before such persons, and in accordance with such regulations as Her Majesty may by order in council determine.

Declarations
before whom
to be made.

85. No registrar shall be liable to damages or otherwise for any
 25 loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

Indemnity to
registrar.
1854, s. 93.

86. Every registrar in the United Kingdom shall at the ex-
 30 piration of every month, and every other registrar shall without delay, or at such stated times as may be fixed by the Commissioners of Customs, transmit to the Custom House in London a full return in such form as the said Commissioners may direct of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to them in their
 35 character of registrars, and the names of the persons who have been concerned in the same, and such other particulars as may be directed by the said commissioners.

Return to
be made by
registrars to
Commis-
sioners of
Customs.
1854, s. 94.

87. Every person may, upon payment of a fee to be fixed by the
 40 Commissioners of Customs not exceeding one shilling, have access to any register book for the purpose of inspection at any reasonable time during the hours of official attendance of the registrar.

Inspection
of register
books.
1854, s. 92.

PART I.
*British
Ships, &c.*

Application
of fees.

1854, s. 95.

Instruments
in fourth
schedule to
be in form
prescribed
by Commis-
sioners of
Customs.

Commis-
sioners of
Customs,
with consent
of Board of
Trade, to
provide and
alter forms
and issue
instructions.

1854, s. 96.

Entry of
informal
documents.
1855, s. 11.

Shares in
shipping
within the
Trustee
Act, 1850.
18 & 19 Vict.
c. 91. s. 10.

88. All fees authorized to be taken under this part of this Act shall, if taken in any part of the United Kingdom, be paid into the receipt of Her Majesty's exchequer, as the Treasury may direct, but if taken in any other part of Her Majesty's dominions shall be disposed of in such way as the Executive Government of the British possession in which they are taken may direct; and if taken at any foreign port of registry shall be disposed of as Her Majesty may by order in council direct. 5

89. The several instruments and documents specified in the fourth schedule hereto shall be in such forms as are from time to time prescribed by the Commissioners of Customs and sanctioned by the Board of Trade. 10

90. The Commissioners of Customs shall, with the consent of the Board of Trade, cause forms of the instruments and documents specified in the fourth schedule hereto, as well as of any other instruments and documents required or authorized to be used by the first part of this Act to be supplied to all registrars within Her Majesty's dominions, for distribution to the several persons requiring to use the same, either free of charge, or at such moderate prices as they may from time to time direct, and the said commissioners, with the consent of the Board of Trade, may from time to time make such alterations in the forms as is requisite, but shall, before issuing any altered form, give such public notice thereof as may be necessary in order to prevent inconvenience; and the said commissioners may also, with such consent as aforesaid, for the purposes of carrying into effect the provisions contained in the first part of this Act, give such instructions as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence to be required for identifying any person, and generally as to any act or thing to be done in pursuance of the first part of this Act, as they may think fit. 25 30

91. Where a bill of sale, mortgage, or other instrument for the disposal or transfer of a ship, or any share or interest therein, is made in any form or contains any particulars other than the form and particulars prescribed and approved for the purpose by or in pursuance of this Act, a registrar shall not be required to make an entry thereof in the register book without the special direction of the Commissioners of Customs. 35

92. Shares in ships registered under this Act shall be deemed to be included in the word "stock" as defined by the Trustee Act, 1850, and the provisions of such last-mentioned Act shall be applicable to such shares accordingly. 40

PART I.
*British
Ships, &c.*

Power to registrar to dispense with declarations and other evidence.

1854, s. 97.

93. Whenever, in any case in which under the First part of this Act any person is required to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Commissioners of Customs, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such declaration or evidence.

94. If any person interested in any ship, or any share therein, is by reason of infancy, lunacy, or other inability incapable of making any declaration or doing any thing required or permitted by this Act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

Provision for cases of infancy or other incapacity.
1854, s. 99.*National Character.*

95. Any principal officer of customs may detain a ship until the master of the ship has declared to the officer the name of the nation to which he alleges that she belongs, and the officer shall, on such declaration being made, inscribe that name on the clearance or transire.

National character of ship to be declared before clearance.

1854, s. 102.

96. If any person obtains a British registry for any ship owned in whole or in part by persons not entitled by law to own British ships, it shall be lawful, as respects ships registered in the United Kingdom, for the Commissioners of Customs, with the consent of the Board of Trade, and as respects ships registered in any British possession, for the governor of that possession, to strike such ship off the register.

Ships unduly registered may be struck off register.

Cf. 1854, s. 103. (1).

97. If any person uses the British flag on board any ship owned in whole or in part by persons not entitled by law to own British ships, and fails to show that he has used the same for some legal purpose, he shall for each offence be liable to a penalty not exceed-

Using British flag or assuming British character.

PART I.
*British
Ships, &c.*

ing fifty pounds; and the flag may be hauled down by any officer who is empowered by this Act to haul down colours improperly hoisted on board any ship or boat belonging to any British subject.

Assumption
of foreign
character.

1854, s. 103.

(2).

98. No master or owner of a ship belonging wholly to persons entitled to be owners of British ships, and no person on board of any such ship, shall be exempt from any liabilities, civil or criminal, incurred by him, under the provisions of any British law, by reason that such ship has acquired a foreign register or uses a foreign flag; but nothing in this section contained shall interfere with the jurisdiction of any foreign nation over such ship.

10

False de-
claration of
qualification.
1854, s. 103.
(4).

99. If any person, on behalf of himself or of any other person or of any body of persons, makes a declaration touching the qualification of himself or such person or body to own a British ship or any share therein, such declaration being false in any material particular, then, unless the declarant shows to the satisfaction of the court that he did not know of such falsity, and could not with reasonable diligence have obtained such knowledge, the following consequences shall ensue:—

- (1.) The ship or share in respect of which such declaration is made shall, to the extent of the interest therein of the declarant, and unless he shows that he had no authority to make the same from the parties on whose behalf the same is made, be forfeited to the Crown:
- (2.) The declarant shall be deemed guilty of a misdemeanor.

Proceedings
on forfeiture
of ship.
1854, s. 103.

100. Where any ship has either wholly or as to any share therein become subject to forfeiture under this Act, the following persons, that is to say,

- (1.) Any commissioned officer on full pay in the military service of the Crown, subject to instructions from the commander-in-chief:
- (2.) Any commissioned officer on full pay in the naval service of the Crown, subject to instructions from the Admiralty:
- (3.) Any officer of customs in the United Kingdom, subject to instructions from the Commissioners of Customs or from the Board of Trade:
- (4.) Any officer of customs in any British possession, subject to instructions from the governor of such possession:
- (5.) Any British consular officer, subject to instructions or orders from one of Her Majesty's Principal Secretaries of State, may seize and detain the ship, and bring her for adjudication before any British court having Admiralty jurisdiction, and the court may

thereupon make such order in the case as to the court seems just; and the proceeds of the sale of such ship shall be paid into Her Majesty's Exchequer in such manner as the Treasury direct, and the Treasury may award to the officer bringing in the ship for
 5 adjudication such portion of the proceeds as they think fit; and such officer shall be entitled to receive the same or any less amount accordingly.

101. Where a ship has been seized or detained under this part of this Act the officer seizing or detaining the same shall not be responsible
 10 either civilly or criminally to any person whomsoever in respect of the seizure or detention, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, in case it is shown to the satisfaction of the judge or court before whom any trial relating to the ship or such
 15 seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the judge or court may award costs and damages to any party aggrieved, and may make such other order in the premises as to the judge or court seems just.

102. If the pendant usually carried by Her Majesty's ships, or any pendant in anywise resembling the same, or if any colours usually carried by Her Majesty's ships, or any colours resembling the same, or if any distinctive national colours, British or foreign, except
 25 either the red ensign usually carried by merchant ships, or the union jack with a white border, is or are hoisted on board any ship or boat belonging to any British subject, without authority from the Crown or the Admiralty (proof of which authority shall lie on the party accused), the master of the ship or boat, or the owner thereof if on board the same, and every other person hoisting or joining or
 30 assisting in hoisting the same, shall for every such offence be liable to a penalty not exceeding fifty pounds.

In any such case, any commissioned officer on full pay in the military or naval service of the Crown, or any British officer of customs, or any British consular officer, may give notice to the
 35 master of the ship to haul down the colours improperly hoisted, and if such notice be not forthwith complied with he may board the ship or boat, and take away the pendant or colours hoisted in contravention of this section, and such pendant or colours shall be forfeited to the Crown.

Protection
of officers
seizing and
detaining.
1854, s. 104.

Carrying
improper
colours.
1854, ss. 105.
(1), and 103.

PART I.
British
Ships, &c.

Liabilities of Owners.

Liabilities of
owners.
1854, s. 100.

103. Whenever any person is beneficially interested, otherwise than by way of mortgage, in any ship or share therein registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary 5 penalties imposed by this or by any other Act on owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such pecuniary penalties against both or either of the aforesaid parties, with or without joining the other of them.

10

Forgery.

Punishment
for forgery.

104. Any person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any register book, certificate of surveyor, certificate of registry, declaration of ownership, bill of 15 sale, instrument of mortgage, certificate of mortgage or sale, or any entry or indorsement required by the Second Part of this Act to be made in or on any of the above documents, shall for every such offence be deemed to be guilty of felony.

Punishment
for false de-
clarations,
&c.
1855, s. 9.

105. If any person in any declaration made in the presence of 20 or produced to a registrar in pursuance of this part of this Act, or in any document or other evidence produced to him, makes or assists in making or procures to be made any false statement concerning the title to or the ownership of or the interests existing in any ship, or any share in any ship, or utters, produces, or makes 25 use of any declaration or document containing any such false statement, every such person shall be guilty of a misdemeanor unless he shows to the satisfaction of the court before which he is charged that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge. 30

Evidence.

Copies of
registers and
declarations
to be ad-
missible in
evidence,
and to be
prima facie
proof of
certain
things.

106. Every register of or declaration made in pursuance of this Act in respect of any British ship may be proved in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, either by the pro- 35 duction of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person

applying at a reasonable time for the same, upon payment of one shilling for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship, purporting to be signed by the registrar or other
5 proper officer, shall be received in evidence in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, as *prima facie* proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or indorsed on such
10 certificate of registry, and purporting to be authenticated by the signature of a registrar, when such certificate is produced.

107. The transcript of the register of a British ship kept by the Chief Registrar of Shipping at the Custom House in London, and the transcript kept by the Registrar of Seamen, or either
15 of such transcripts, shall have the same effect and shall be receivable in evidence in the same manner to all intents and purposes as the original register from which such transcript is taken; and certified copies of such transcripts shall be furnished upon payment of such fee as may be fixed, in the case of the first-mentioned
20 transcript by the Commissioners of Customs, and in the case of the last-mentioned transcript by the Board of Trade, and shall be received in evidence as if such transcripts were respectively the original register.

General
register
books in
London re-
ceivable in
evidence.
18 & 19 Vict.
c. 91. s. 15.

Saving Clause.

25 108. Nothing in this Act contained shall repeal or affect an Act passed in the session of Parliament holden in the third and fourth years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act further to regulate the trade of ships built and trading within the limits of the East India Company's charter."

Saving of
3 & 4 Vict.
c. 56. relating
to East
Indian ships.

PART II.
Masters and
Seamen.

PART II.

MASTERS AND SEAMEN.

Application
of part II.

109. This part of this Act shall, unless the context or subject matter require a different application, apply

- (1.) To all sea-going ships registered in the United Kingdom, and to their owners, masters, and crews : 5
- (2.) To all sea-going ships registered in any British possession, when out of the jurisdiction of the Government of such possession, and to the owners, masters, and crews of such ships : 10
- (3.) To all British sea-going ships registered at any foreign port of registry, and to the owners, masters, and crews of such ships.

Her Majesty may, by Order in Council, apply this part to foreign vessels.

110. Where any treaty or convention or other arrangement has been made between Her Majesty and any foreign state authorizing the application of the whole or any portion of this part of this Act to the ships of such state, it shall be lawful for Her Majesty, by Order in Council, to declare that such of the provisions contained in this part of this Act as are in such order specified shall apply to the ships of such state, and to the owners, masters, officers, and crews thereof, and the said provisions shall, as soon as the order comes into force and so long as it continues in force, be read as if such ships and their owners, masters, officers, and crews, had been expressly included therein by this Act. 15 20 25

Any such order shall come into force from the date specified therein, or, if there be no date specified, from the date of its publication in the London Gazette.

Local Marine Boards.

Constitution
of local
marine
boards.
1854, s. 110.

111. There shall be local marine boards for carrying into effect the provisions of this Act, under the superintendence of the Board of Trade, at those seaports of the United Kingdom at which local marine boards are established at the commencement of this Act, and each local marine board shall be constituted in manner described in the fifth schedule to this Act. 30 35

Error in
elections not
to vitiate
acts.
1854, s. 112.

112. Any act of any local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of its members, or of any error in the list of voters entitled to vote at such election, or of any irregularity in making or revising any such

list, or by reason of any person not duly qualified acting on the board.

PART II.
Masters and Seamen.

113. Each local marine board shall keep minutes of its proceedings, and the same shall be kept in such mode, if any, as the Board of Trade prescribes, and such minutes and all books and documents used or kept by any local marine board, or by any examiners, superintendents of mercantile marine offices or other officers or servants under the control of any local marine board, shall be open to the inspection of the Board of Trade, and its officers; and every local marine board shall make and send to the Board of Trade such reports and returns as that board requires, but, subject as aforesaid, the local marine board may regulate the mode in which its meetings are to be held and its business to be conducted, including the power of determining a quorum, not being less than three.

Minutes and business of local marine boards.

1854, s. 119.
25 & 26 Vict.
c. 63. s. 14.

114. If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fails to meet or to discharge its duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of such local marine board shall take place immediately.

Provision for failure of local marine board to discharge duties.

1854, s. 120.

115. If on complaint made to the Board of Trade it appears to them that any appointments or arrangements made by any local marine board under the powers of this Act are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intentions of this Act and to the wants of the port.

Rectification of arrangements, &c. of local marine boards.

1854, s. 121.

Certificates of Masters, Mates, and Engineers.

116. Certificates of competency shall be granted, in accordance with the provisions of this Act, for each of the following grades; that is to say,

Certificate of competency to be granted.

Master of a foreign-going ship :

First mate of a foreign-going ship :

Only mate of a foreign-going ship :

Second mate of a foreign-going ship :

Master of a coasting passenger ship :

Mate of a coasting passenger ship :

First-class engineer :

Second-class engineer.

[267.]

E 3

PART II.
*Masters and
Seamen.*

Officers of
certain ships,
how to be
qualified.

1854, s. 136.

117. Every British ship, not being included in one of the classes specified in the sixth schedule hereto, when navigating to or from any place in the United Kingdom, and beyond the limits of the inland waters thereof, shall be provided with officers in accordance with the following regulations :

5

- (1.) If she be a foreign-going ship or a coasting passenger ship of 100 register tons or upwards, she shall have a master and a first or only mate duly certificated.
- (2.) If she be a foreign-going ship or coasting passenger ship of less than 100 register tons she shall have a master duly certificated :
- (3.) If she be a foreign-going ship or coasting passenger ship, and carry more than one mate, the first mate and the second mate shall each be duly certificated :
- (4.) If she be a foreign-going steamship, of 100-horse power or upwards, she shall have a first and second engineer duly certificated :
- (5.) If she be a foreign-going steam ship, of less than 100-horse power, or if she be a seagoing coasting passenger steam ship of whatever horse power, her first or only engineer (as the case may be) shall be duly certificated :

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The term “duly certificated officer” and the term “duly certificated engineer” in this section shall respectively mean an officer and engineer who has obtained and is in possession of a valid certificate of competency in accordance with the provisions of this Act of a grade appropriate to his station in the ship, or of a higher grade.

25

Exami-
nations
for masters
and mates.
1854, s. 131.

118. For the purpose of granting certificates of competency as masters, or mates, or engineers, to persons desirous of obtaining the same examinations shall be held at such ports and places in the United Kingdom as the Board of Trade directs.

30

The Board of Trade may appoint times for such examinations, and may appoint, remove, and re-appoint examiners to conduct the same.

Powers of
Board of
Trade over
examina-
tions.
1854, s. 132.

119. The Board of Trade may from time to time lay down rules as to the conduct of such examinations and as to the qualification of the applicants.

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Fees to be
paid by
applicants

120. All applicants for examination shall pay such fees, not exceeding the sums specified in the seventh schedule hereto as the

Board of Trade directs, and such fees shall be paid to such persons as the said board appoints for that purpose.

PART II.
Masters and Seamen.

121. The Board of Trade shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, a certificate of competency as the case requires.

for examination.

1854, s. 133.

Grant of certificates on passing examination.

1854, s. 134.

122. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a coasting passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a coasting passenger ship shall entitle the holder to go to sea as master, or mate, or engineer of a foreign-going ship.

Certificates for foreign-going ships available for coasting passenger ships.

1854, s. 137.

123. All certificates of competency shall be made in such form and subject to such regulations as the Board of Trade direct, and a record of such certificates shall be kept by such person and in such manner as the said board direct.

Grants, cancellations, &c. of certificates to be recorded.

1854, s. 138.

124. Whenever any master or mate or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board of Trade shall, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be made out and certified by the person appointed to keep the record, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

In case of loss a copy to be granted.

1854, s. 139.

25 & 26 Vict. c. 63. s. 10.

125. Every person who makes, or procures to be made, or assists in making, any false representation, for the purpose of obtaining for himself or for any other person a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Penalties for false representations; for forging or altering or fraudulently using or lending any certificate.

1854, s. 140.

PART II.
Masters and
Seamen.

Penalty in
case of non-
possession of
certificates,
&c.

1854, s. 136.
25 & 26 Vict.
c. 63. s. 5.
par. 5.

126. In the following cases—

- (1.) If any person, having been engaged to serve as master or as first or as second or as only mate, or as first or as second or as only engineer in any ship, goes to sea as aforesaid, as such master, mate, or engineer, without being 5 at the time entitled to and possessed of such a certificate as is prescribed by this Act;
- (2.) If any person employs or suffers any person to serve in any such capacity as aforesaid in any ship without using all reasonable means (proof whereof shall lie on him) to 10 ascertain that the person so employed is entitled to and possessed of such certificate as is prescribed by this Act;
- (3.) Where any person fraudulently engages or employs any certificated master, mate, or engineer; or suffers any such 15 master, mate, or engineer to be engaged or employed or to serve in any such capacity as aforesaid, for the purpose of enabling any ship to clear or go to sea, or if any such master, mate, or engineer fraudulently engages himself or suffers himself to be engaged or employed in any such 20 capacity for such purpose,

Then and in every such case the person so offending shall for every such offence be liable to a penalty not exceeding fifty pounds.

Where any certificated master, mate, or engineer engages him- 25 self in any such capacity as aforesaid on board any ship, and quits such ship before or upon the commencement of her voyage, the burden of proving that such master, mate, or engineer was not fraudulently engaged or employed or suffered to serve for the purpose of enabling the ship to clear or to go to sea shall lie upon the 30 person engaging or employing him, and the burden of proving that such master, mate, or engineer did not suffer himself to be fraudulently engaged or employed for the same purpose shall lie upon the master, mate, or engineer himself.

Board of
Trade may
licence
holders of
pilotage cer-
tificates to
act as
masters, &c.

127. It shall be lawful for the Board of Trade to grant to any 35 person entitled to and holding a valid pilotage certificate under this Act a licence to act as master, first or only mate (as the case may be), of a coasting passenger ship within the limits within which he is qualified to act as pilot under his pilotage certificate.

Such licence shall be in such form and shall be granted for such 40 time and upon such conditions as the Board of Trade think fit. It shall, so long as it is in force, entitle the licensee to act within

the said limits as master, first or only mate, (as the case may be,) of a coasting passenger ship, in the same manner as if the licensee were a duly certificated officer under this Act; and the provisions of this Act relating to certificates of competency, and the holders thereof, shall, so far as may be, apply to such licences and licensees.

128. Where the legislature of any British possession provides for the examination of and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty from time to time by Order in Council,—

Colonial certificates to master, mates, and engineers. *Merchant Shipping Colonial Act, 1869, s. 8.*
17 & 18 Vict. c. 104. s. 131. et seq.
25 & 26 Vict. c. 63. s. 5. et seq.

1. To declare that the said certificates shall be of the same force as if they had been granted under this Act :
2. To declare that all or any of the provisions of this Act which relate to certificates of competency granted under this Act shall apply to the certificates referred to in the said Order :
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the London Gazette of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such Order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council, on a report from the Board of Trade, to revoke any order made under this section.

Mercantile marine offices.

129. A mercantile marine office shall be established at every port in the United Kingdom.

Establishment of mercantile marine offices. 1854, s. 122.

In ports where there is a local marine board, such board, subject as is in this Act provided, shall, and in other ports the Board of Trade shall, procure the requisite buildings and property, and appoint and from time to time remove and re-appoint superintendents of those offices, with any necessary deputies, clerks, and servants, and shall control those officers and regulate the mode of

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Board of
Trade to
have partial
control over
mercantile
marine
offices.

1854, s. 123.

conducting business thereat; and every act done by or before any deputy duly appointed shall have the same effect as if it were done by or before a superintendent of a mercantile marine office.

130. The sanction of the Board of Trade shall be necessary so far as regards the number of persons to be appointed in any mer- 5 cantile marine office by any local marine board, and the amount of their salaries and wages and all other expenses; and the Board of Trade shall have the immediate control of such mercantile marine offices, so far as regards the receipt and payment of money thereat; and all persons appointed in any such office shall before entering 10 upon their duties give such security (if any) for the due performance thereof as the Board of Trade requires; and if in any case the Board of Trade has reason to believe that any superintendent, deputy, clerk, or servant appointed by any local marine board does not properly discharge his duties, the Board of Trade may cause 15 the case to be investigated, and may, if it thinks fit so to do, remove him from his office, and may provide for the proper performance of his duties until another person is properly appointed in his place.

Business of
mercantile
marine
office.

1854, s. 124.

131. It shall be the general business of superintendents of 20 mercantile marine offices—

To afford facilities for engaging seamen by keeping registries of their names and characters:

To superintend and facilitate the engagement and discharge of seamen in manner in this Act provided: 25

To provide means for securing the presence on board at the proper times of the seamen who are so engaged:

To facilitate the making of apprenticeships to the sea service:

To perform such other duties relating to seamen and merchant ships as are by or under the powers of this Act committed 30 to them.

Fees on
engagements
and dis-
charges.

1854, s. 125.

132. Such fees, not exceeding two shillings for every man, as the Board of Trade from time to time direct, shall be payable on all engagements and discharges of seamen effected before superinten- 35 dents of mercantile marine offices, and the Board of Trade shall cause notice of the fees payable for the time being to be conspicuously placed in each mercantile marine office; and all superintendents of mercantile marine offices, their deputies, clerks, and servants may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid. 40

Masters to
pay fees and
to deduct
from wages.
1854, s. 126.

133. Any owner or master of a ship who engages or discharges any seaman in a mercantile marine office, or before a superinten-

dent thereof, shall pay to the superintendent the fees by this Act made payable in respect of such engagement or discharge, and may deduct one half of such fees from the wages of the seaman so engaged or discharged.

- 5 **134.** If any superintendent or deputy superintendent of a mercantile marine office, or any clerk or servant in any such office, demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship except the lawful fees payable under this Act, he shall for
10 every such offence be guilty of a misdemeanor, and shall also be liable to be dismissed from his office by the Board of Trade.

Punishments for superintendents, &c. taking other remuneration.
1854, s. 127.

- 135.** The Board of Trade may, with the consent of the Commissioners of Customs, direct, that in any place in which there is no separate mercantile marine office, the whole or any part of the
15 business of a mercantile marine office shall be conducted at the custom house of such place.

Business of mercantile marine office may be carried on at custom houses.
1854, s. 128.

- The custom house shall thereupon be deemed a mercantile marine office for all purposes, and any officer of customs appointed in that behalf by the Board of Trade shall be deemed a superintendent or deputy superintendent of a mercantile marine office (as the
20 case may be) within the meaning of this Act.

- 136.** Where any office in a sailors home has before the passing of this Act been appointed to be a mercantile marine office the Board of Trade may continue the same as a mercantile marine office,
25 and may appoint any superintendent of or other person connected with such sailors home to be a superintendent of a mercantile marine office, with any necessary deputies, clerks, and servants; and all such superintendents and officers shall be subject to the immediate control of the Board of Trade, and not to the control of
30 the local marine board of the port.

Appointment of sailors homes in London as mercantile marine offices.
1854, s. 129.

- 137.** The Board of Trade may from time to time dispense with the transaction before a superintendent of a mercantile marine office, or in a mercantile marine office, of any matters required by this Act to be so transacted, and thereupon such matters shall, if other-
35 wise duly transacted as required by law, be as valid as if they were transacted before such a superintendent or in such an office.

Dispensation with superintendents.
1854, s. 130.

- 138.** For the purpose of maintaining order in and about mercantile marine offices it shall be lawful for the Board of Trade from time to time to make byelaws, and to cancel and vary the same,
40 provided that such byelaws be not repugnant to the law of the place in which they are to have effect.

Board of Trade may make bye-laws for preservation of order in mercantile marine offices.

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Byelaws made in pursuance of this section with respect to any place shall be affixed in some conspicuous position in every mercantile marine office in such place, and shall come into force so soon as they are so affixed.

Any person offending against any such byelaw shall forfeit for 5 each offence a penalty not exceeding *five pounds*.

Apprenticeships to the Sea Service.

Superinten-
dence as to
apprentice-
ships.

1854, s. .

139. The superintendents of mercantile marine offices shall, if applied to for the purpose, give to any board of guardians, overseers, or other persons desirous of apprenticing boys to the sea service, 10 and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships.

Fees to
superinten-
dents.

1854, s. 141.

140. Superintendents of mercantile marine offices may receive from persons availing themselves of the assistance of the super- 15 intendents in relation to apprenticeships to the sea service such fees as the Board of Trade, with the concurrence so far as relates to pauper apprentices in England of the Poor Law Board, and so far as relates to pauper apprentices in Ireland of the Poor Law Commissioners, from time to time direct. 20

Indentures
of boys
bound by
guardians to
be witnessed,
&c.

1854, s. 142.

141. In the case of a boy bound apprentice to the sea service by guardians or overseers of the poor, or other persons having the authority of guardians of the poor, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices, who shall ascertain that the 25 boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is bound is a proper person for the purpose.

Recording
of inden-
tures, &c.

1854, s. 143.

142. All indentures of apprenticeship to the sea service shall be exempt from stamp duty, and all such indentures shall be made out 30 in such form as the Board of Trade direct.

The Board of Trade may from time to time make, revoke, and alter regulations for the registration of indentures of apprenticeship under this Act, and of assignments and cancellations thereof, and of other matters incidental to such apprenticeships. 35

Any person who fails to comply with the provisions of this enactment, or of any regulation made in pursuance thereof, shall be liable to a penalty for each offence not exceeding ten pounds.

Rules for
apprentice-
ship of

143. Subject to the provisions of this Act, all apprenticeships to the sea service made by any guardians or overseers of the poor, or 40

persons having the authority of guardians of the poor, shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons, and shall, if made in Ireland, be made in the manner

5 and be subject to the following regulations :

1. In every union the guardians of the poor, or other persons duly appointed to carry into execution the Acts for the relief of the poor, and having the authority of guardians of the poor, may put out and bind as apprentice to the sea service any boy who or whose parent or parents is or are receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound :

10

2. If in any such case the cost of relieving the boy is chargeable to an electoral division of a union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of the electoral division, or of a majority of them, if more than one, is first obtained, such consent to be, when possible, indorsed on the indenture :

15

20

3. The expenses incurred in the binding and outfit of any such apprentice shall be charged to the union or electoral division, as the case may be, to which the boy, his parent or parents is or are chargeable at the time of his being apprenticed :

25

4. All indentures made in a union may be sued on by the guardians of the union, or the persons having the authority of guardians therein for the time being, by their name of office; and actions brought by them on such indentures shall not abate by reason of any death or change in the persons holding the office of guardians, but no such action shall be commenced without the consent of the Irish Poor Law Commissioners :

30

5. The amount of the costs incurred in any such action, and not recovered from the defendant therein, may be charged on the union or electoral division, as the case may be, to which the boy, or his parent or parents, was or were chargeable at the time of his being apprenticed.

35

144. The master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United Kingdom, cause the apprentice to appear before the superintendent of the mercantile marine office before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any, and the name of such

40

Apprentices and indentures to be brought before superintendent before voyage in

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going ship.
1854, s. 145.
25 & 26 Vict.
c. 25. s. 13.Indentures
made before
passing of
Act without
stamps to be
valid.

apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, and the name of the port or ports at which the same have been registered, shall be entered on the agreement; and if the master fail to comply in any respect with the requisitions of this section he shall for every such offence be liable to a penalty not exceeding five pounds. 5

145. Where any indentures of apprenticeship to the sea service have been made before the commencement of this Act, and no stamp duty has been paid thereon, such indentures shall not be invalid by reason only of such nonpayment. 10

*Engagement of Seamen.*Licensing of
persons to
procure
seamen.
1854, s. 146.

146. The Board of Trade may authorize any superintendent of a mercantile marine office to employ persons duly licensed in that behalf by the Board of Trade to supply seamen or apprentices for merchant ships in the United Kingdom. 15

Any such authority or licence shall be granted and be revocable on such terms and conditions as the Board of Trade think proper.

Penalties.
1854, s. 147.
25 & 26 Vict.
c. 63. s. 13.For supply-
ing seamen
without
licence :

147. The following offences shall be punishable as follows :

(1.) If any person engages or supplies any seaman or apprentice to be entered on board any ship in the United Kingdom, such person not being licenced as aforesaid, and not being the owner or a master or mate of the ship, or a servant, and in constant employment of the owner, or a superintendent of a mercantile marine office, he shall for each seaman or apprentice so engaged or supplied be liable to a penalty not exceeding twenty pounds : 25

For employ-
ing un-
licensed
persons :

(2.) If any person employs any unlicensed person, other than persons excepted as aforesaid, for the purpose of engaging or supplying any seaman or apprentice in the United Kingdom, he shall for each seaman or apprentice so engaged or supplied be liable to a penalty not exceeding twenty pounds, and if licensed shall also forfeit his licence : 30

For receiv-
ing seamen
illegally
supplied.

(3.) If any person receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied in contravention of the provisions of this section he shall for every seaman or apprentice so engaged or supplied be liable to a penalty not exceeding twenty pounds, unless he shows to the satisfaction of the court before which he is charged that he did not know that such seaman or apprentice had been engaged or supplied in 40

contravention as aforesaid, and that he could not with reasonable diligence have obtained such knowledge :

- (4.) If any person, not being a licensed person or a person excepted as aforesaid, offers, by advertisement or otherwise, to procure employment as a seaman or apprentice on any merchant ship, he shall for every offence incur a penalty not exceeding *twenty* pounds.

148. If any person demands or receives directly or indirectly from any seaman or apprentice, or from any person seeking employment as a seaman or apprentice, or from any person on his behalf, any remuneration whatever other than the fees by this Act authorized for providing him with employment, he shall for every such offence be liable to a penalty not exceeding *ten* pounds.

Penalty for receiving remuneration from seamen, &c. 1854, s. 148.

Agreements for Service.

149. Every master of a British ship, not being a coasting ship or included in one of the classes specified in the sixth schedule hereto, shall enter into an agreement with every seaman whom he carries to sea from any port in the United Kingdom as one of his crew in manner in this Act provided.

Agreements with seamen. 1854, s. 149.

- Every such agreement shall be in a form and shall be executed in manner approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof :

1. The nature and, as far as practicable, the duration of the intended voyage or engagement :
2. The number and description of the crew, specifying how many are engaged as sailors :
3. The time at which each seaman is to be on board or to begin work :
4. The capacity in which each seaman is to serve :
5. The amount of wages which each seaman is to receive :
6. A scale of the provisions which are to be furnished to each seaman :
7. Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

- And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in

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each case, as to allotment of wages, and may contain any other stipulations that are not contrary to law: Provided that if the master of any ship belonging to any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs, or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form approved by the Board of Trade.

Agreements
for foreign-
going ships.
1854. s. 150.

150. The following provisions shall have effect with respect to agreements entered into in pursuance of this Act, in whatever part of Her Majesty's dominions the ship with reference to which the agreement is made is registered :

In presence
of superin-
tendent.

(1.) Every agreement made in the United Kingdom (except in cases of agreements with substitutes in this section specially provided for) shall be signed by each seaman in the presence of a superintendent of a mercantile marine office :

Superinten-
dent to
attest.

(2.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature :

To be in
duplicate.

(3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master :

Provisions
for substi-
tutes.

(4.) In the case of substitutes engaged in the place of seamen who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent of a mercantile marine office, and when that is not practicable the master shall, before the ship puts to sea if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen, and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Running
agreements
on foreign-
going ships
for short
voyages.
1854, s. 151.

151. Running agreements extending over a period not exceeding twelve months may be made subject to the regulations contained in the eighth schedule to this Act, but those regulations may be from time to time varied by the Board of Trade, and all regulations made by the Board of Trade under this provision shall have the like effect as if they were enacted in this Act.

152. In the case of coasting ships crews or single seamen may, if the master thinks fit, be engaged in manner by this Act directed with respect to foreign-going ships.

153. Where two or more ships belong to the same owner the
5 agreement with the seamen may, notwithstanding anything in this part of this Act contained, be made by the owner instead of by the master; and the seamen with whom the agreement is made may be engaged to serve in any two or more of such ships, if the names of the ships and the nature of the service be specified in the agree-
10 ment; but, with the foregoing exception, all provisions contained in this part of this Act relating to ordinary agreements for service shall be applicable to agreements made in pursuance of this section.

Agreement for home trade ships. 1854, s. 155.
Special agreements for ships belonging to same owners. 1854, s. 156.

154. It shall be lawful for a master of any British ship, or for
15 any shipowner or his agent, to enter into an agreement in the United Kingdom with seamen binding them to proceed to any port or ports within Her Majesty's dominions out of the United Kingdom, either as seamen or as passengers, and there to engage themselves as seamen in any ship belonging to such owner.

20 Such agreements shall, subject to such regulations in that behalf as the Board of Trade may make from time to time, be as nearly as may be in the form of and contain the same terms as ordinary agreements for service.

Agreements may be made in the United Kingdom binding seamen to join ship abroad. 1854, s. 163.

155. The master of every foreign-going ship shall, before
25 finally leaving the United Kingdom, sign and send to the nearest superintendent of a mercantile marine office a full and accurate statement, in a form sanctioned by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and in default shall for each offence incur a
30 penalty not exceeding five pounds; and such statement shall be admissible in evidence, subject to all just exceptions.

Changes in crew to be reported. 1854, s. 158.

156. Where the master of any ship, the voyage of which com-
mences in the United Kingdom, engages any seaman in any British possession; or
35 Where the master of any ship, the voyage of which commences in any British possession, engages any seaman in any other British possession; or
Where the master of any ship, the voyage of which commences at any place out of Her Majesty's dominions, engages any
40 seaman within Her Majesty's dominions,
the master shall, if there be at the place where such seaman is engaged any superintendent of a mercantile marine office, engage

Seamen engaged in the colonies to be shipped before some superintendent or officer of customs. 1854, s. 159.

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such seaman before him, and if there be no superintendent of a mercantile marine office then before some officer of customs.

Upon every such engagement the superintendent or officer before whom the same was made shall indorse upon the agreement an attestation to the effect that such agreement has been signed in his 5 presence and otherwise made as by this Act is required; and if in any case such attestation be not made the burden of proving that the seaman was duly engaged, as by this Act is required, shall lie upon the master.

Engagement
of seamen at
foreign port.
1854, s. 160.

157. Every master of a ship registered in any part of Her 10 Majesty's dominions who engages any seaman at any port out of Her Majesty's dominions where there is a British consular officer shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage the seaman before him or before some person authorized by him in writing for that purpose; and on every 15 such engagement the person before whom the same is made shall indorse on the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence and otherwise made as by this Act required; and if in any case such indorsement or attestation are not made the burden of proving the 20 engagement to have been made as required by this Act shall lie on the master; but nothing in this section shall invalidate an agreement as between the master and the seaman, or deprive either party thereto of any right or remedy in respect thereof which he would have had if this section had not been inserted 25 in this Act.

Engagement
of seamen in
British
possessions,
and before
consular
officers.
1854, ss. 159,
160.

158. The same rules as are in this Act contained with respect to the engagement of seamen before superintendents of mercantile marine offices in the United Kingdom shall apply to the engagement of 30 seamen in pursuance of this Act before superintendents of mercantile marine offices and officers of customs in British possessions, and before consular officers in places out of Her Majesty's dominions.

Penalty for
shipping
seamen with-
out agree-
ment duly
executed.
1854, s. 157.

159. If in any case where an agreement is required in pursuance of this Act a master carries any seaman to sea without entering into an agreement with him in the form and manner and at the place 35 and time by this Act prescribed, the master shall for each such offence incur a penalty not exceeding five pounds.

Alterations
to be void
unless
attested to
have been
made with
the consent
of all parties.
1854, s. 163.

160. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this part of this Act (except additions made for shipping substitutes or persons engaged 40 subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent

of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's dominions of some superintendent of a mercantile marine office, justice, officer of customs, or other public functionary, or (if made
5 out of Her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

161. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists
10 in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall for each such offence be deemed guilty of a misdemeanor.

Penalty for falsifying agreement.
1854, s. 164.

162. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without
15 producing or giving notice to produce the agreement or any copy thereof.

Seamen not to be bound to produce agreement.
1854, s. 165.

163. The master of every foreign-going ship shall at the commencement of every voyage or engagement cause a legible
20 copy of any agreement with his crew, or any of them, made in the United Kingdom, (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew; and in default shall for each offence incur a penalty not exceeding five pounds.

Copy of agreement to be made accessible to crew.
1854, s. 166.

164. It shall be lawful for the master or owner of any ship not registered as a British ship to engage or discharge seamen in the presence of a superintendent of a mercantile marine office, in
25 manner by this Act directed with regard to British foreign-going ships.

Masters and owners of foreign ships may engage and discharge crews before superintendents of mercantile marine office.

165. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with Lascars or natives of the territories of Her Majesty in India, binding them to proceed to any port or ports in the United Kingdom, or to any port or ports in the Australian Colonies, either as seamen or as passengers, and
35 there to enter into a further agreement to serve as seamen in any ship which may happen to be there and to be bound to any port in Her Majesty's dominions; provided that the original agreement in every such case shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and
40 under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes as the Governor General of India in Council, or the governors of the respective

Contracts may be made with natives in India under certain conditions binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.
1855, s. 23.
1854, s. 445.

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presidencies in which the original agreement is made, in council, may direct; and if any Lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, or in any of the said colonies, required to enter into a further agreement to serve as a seaman in any ship bound to any port in Her Majesty's dominions, and if it is certified by some officer appointed for that purpose by the Secretary of State for India, or by the governor of the colony, that such further agreement is a proper agreement in all respects for such Lascar or other person to enter into and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such Lascar or other person to serve in, and that there is not, in the opinion of such officer, any objection to the full performance of the said original agreement, such Lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Secretary of State for India or the governor of the colony, as the case may be, may appoint, not exceeding ten shillings.

Saving of former enactments.
 4 G. 4. c. 80.
 ss. 25 to 31
 and 34.

17 & 18 Vict.
 c. 120. s. 16.
 25 & 26 Vict.
 c. 63. s. 24.

Rules as to production of agreements, certificates of masters and mates or engineers, lists of crews, and official logs for foreign-going ships.
 1854, s. 161.

166. Nothing in this part of this Act contained shall be deemed to repeal or affect any provisions contained in the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, or thirty-fourth sections of the Act of the fourth year of the reign of King George the Fourth, chapter eighty.

Production of Agreements, Certificates, and Official Logs.

167. The following rules shall be observed with respect to the production of agreements, certificates of competency, lists of crew, and official logs for foreign-going ships not included in any of the classes specified in the sixth schedule hereto; that is to say,

- (1.) The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the superintendent of a mercantile marine office before whom the same is signed the certificates of competency which the said master and his first and second mate, or only mate, and the engineer or engineers of the ship, as the case may be, are by this Act required to possess; and upon such production being duly made, and the agreement being duly executed as

hereby required, the superintendent shall sign and give to the master a certificate to that effect :

(2.) In case of running agreements for foreign-going ships the superintendent shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the superintendent such certificates of competency as aforesaid, or otherwise satisfying the superintendent that his said officers possess such certificates, a certificate to that effect :

(3.) The master of every foreign-going ship shall, before proceeding to sea, produce the certificate so to be given to him by the superintendent as aforesaid to the collector of customs ; and the said collector may detain the ship until such certificate as aforesaid is produced :

(4.) The master of every foreign-going ship shall, within forty-eight hours of the ship's first arrival at a port of discharge in the United Kingdom, after the termination of the agreement with the crew, or upon the discharge of the crew, whichever first happens, deliver the said agreement and the list of the crew and official log to the superintendent at the place ; and such superintendent shall thereupon give to the master a certificate of such delivery ; and no officer of customs shall clear any foreign-going ship inwards without the production of a certificate of such delivery.

And if the master of any foreign-going ship fail to produce the said certificates, or any of them, or to deliver the agreement, lists, and log to a superintendent at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding five pounds.

168. The following rules shall be observed with respect to the production of certificates of competency for coasting passenger ships ; that is to say,

(1.) The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, produce to some superintendent of a mercantile marine office in the United Kingdom the certificates of competency which the said master and his first or only mate, or engineer or engineers, as the case may be, are by this Act required to possess :

Rules as to
production
of agree-
ments and
certificates
for coasting
passenger
ships.

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*Masters and
 Seamen.*

- (2.) The superintendent shall thereupon give to the master or owner a certificate of such production; and any officer of customs may detain the ship from proceeding to sea until the said certificate is produced.

Allotment of Wages.

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Regulations
 as to allot-
 ment notes.
 1854, s. 168.

169. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the time such seaman is engaged shall be inserted in the agreement for service entered into by the seaman on his engagement, and shall state the amounts and times of the payments to be made; and all allotment 10 notes shall be in forms sanctioned by the Board of Trade.

Allotment
 notes may
 be sued on
 summarily
 by certain
 persons and
 under
 certain con-
 ditions.
 1854, s. 169.

170. Where an allotment note of part of the wages of any seaman is made in favour of any of the following persons, namely, the wife, father, mother, grandfather, or grandmother of such seaman, or any child, grandchild, brother, or sister of such seaman, such person may, 15 unless the seaman be shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, sue for and recover the sums allotted by the note when and as the same are made payable, with costs, expenses of the claimant out of pocket, and interest on the sums allotted at 20 the rate of five pounds per centum per annum, from the owner of the ship with respect to which the said engagement was made, or from any agent who has authorized the drawing of the note, either in the county court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty 25 pounds; subject in the case of the wife of such seaman to the following proviso, that if she desert her children, or so misconduct herself as to be undeserving of support from her husband, she shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour. 30

In any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent; and the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction 35 of the court, either by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or 40 by such other evidence as the court in its discretion considers

sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

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171. Where an allotment note purports to be signed by the owner of a ship, or by the master, or any agent of the owner, and such signature purports to be witnessed by a superintendent of a mercantile marine office, British consular officer, or other person before whom seamen may be engaged in accordance with the provisions of this Act, such note shall, in the absence of proof to the contrary, be deemed to have been given by the owner or by his authorized agent.

Authentica-
tion of allot-
ment note.

Discharge and Payment of Wages in the United Kingdom.

172. In the case of all British foreign-going ships, in whatever part of Her Majesty's dominions the same are registered, all seamen discharged in the United Kingdom shall be discharged and receive their wages through or in the presence of a superintendent of a mercantile marine office duly appointed under this Act, except in cases where some competent court otherwise directs; and any master or owner of any such ship who discharges any seaman belonging thereto, or, except as aforesaid, pays his wages within the United Kingdom in any other manner, shall incur a penalty for each offence not exceeding ten pounds.

Discharge
from foreign-
going ships
to be made
before
shipping
master.
1854, s. 170.

- In the case of coasting ships, and ships included in the classes specified in the sixth schedule hereto, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

173. The master of every foreign-going British ship shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a superintendent of a mercantile marine office, to such superintendent, a full and true account, in a form sanctioned by the Board of Trade, of his wages and of all deductions to be made therefrom on any account whatever; and in default shall for each offence incur a penalty not exceeding five pounds.

Master to
deliver
account of
wages.
1854, s. 171.

- No deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered.

- The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any com-

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On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

1854, s. 172.

Superintendents may decide questions which parties refer to them.

1854, s. 173.

Master and others to produce ship's papers to shipping masters, and giving evidence.

1854, s. 174.

Settlement of wages.

1854, s. 175.

Release to be signed and attested.

petent authority of any complaint or question relating to such payments.

174. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Board of Trade, specifying the period of his service and the time and place of his discharge; and if any master fails to sign and give to any such seaman such certificate of discharge he shall for each such offence incur a penalty not exceeding ten pounds; and the master shall also, upon the discharge of every certificated officer whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding twenty pounds.

175. Superintendents of mercantile marine offices shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to them; and every award made upon any such reference shall be binding upon both parties, and shall in any legal proceeding which may be taken in the matter before any court of justice be deemed to be conclusive as to the rights of the parties; and no such submission or award shall require a stamp; and any document purporting to be such submission or award shall be *prima facie* evidence thereof.

176. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any superintendent under the provisions of this Act such superintendent may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter; and every owner, agent, master, mate, or other member of the crew, who, when so called upon, does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding five pounds.

177. The following rules shall be observed with respect to the settlement of wages; (that is to say,)

- (1.) Upon the completion of any discharge and settlement, each seaman shall sign, in the presence of the superintendent before whom the discharge is made, or by such superintendent or officer if duly authorized, in a form sanctioned

by the Board of Trade, a release of all claims in respect of the past voyage or engagement, and the superintendent shall also sign and attest it :

- 5 (2.) Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement :
- 10 (3.) A copy of such release or of any part thereof shall be given by such superintendent to any person requiring the same ; and such copy shall be receivable in evidence upon any subsequent question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy :
- 15 (4.) In cases in which discharge and settlement before a superintendent are hereby required no payment, receipt, settlement, or discharge made otherwise than in accordance with this Act, shall operate or be admitted as evidence of the release or satisfaction of any claim :
- 20 (5.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to such master a statement of the whole amount so paid ; and such statement shall as between the master and his employer be received as evidence that he has made the payments therein mentioned.

To be discharged ;

and to be evidence.

No other receipt to be a discharge.

Voucher to be given to master, and to be evidence.

- 25 178. Upon every discharge effected before a superintendent the master shall make and sign, in a form sanctioned by the Board of Trade, a report of the conduct, character, and qualifications of the persons discharged, or may state, in a column to be left for that purpose in the said form, that he declines to give any opinion upon such particulars, or upon any of them, or that such persons or any of them, decline to receive his report upon such particulars or any of them.

Master to make reports of character.
1854, s. 176.

The superintendent before whom the discharge is made shall, unless the seaman objects, indorse on his certificate of discharge a copy of so much of such report as concerns him.

- 35 Every person who makes, assists in making, or procures to be made any false certificate or report of the service, qualifications, conduct, or character of any seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or any copy thereof, or who fraudulently makes use of, or aids or abets in using, any certificate or report or any copy of any certificate or report which is forged or altered or does not belong to him, shall for each such offence be deemed guilty of a misdemeanor.

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Legal Rights to Wages.

Right to
wages, &c.,
when to
begin.
1854, s. 181.

179. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. 5

Restriction
and effect of
agreement
as to wages,
salvage, &c.
1854, s. 182.
25 & 26 Vict.
c. 63. s. 18.

180. A seaman shall not by any agreement forfeit his lien on the ship or be deprived of any remedy for the recovery of his wages, to which in the absence of agreement he would be entitled, and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon 10 his right to wages in case of the loss of the ship, or to abandon any right that he may have or obtain in the nature of salvage, shall be void.

But nothing in this section shall apply to the case of a stipulation made by the seamen belonging to any ship which according 15 to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to them for salvage services to be rendered by the ship to any other ship.

Wages not
to depend on
freight.
1854, s. 183.

181. The right of a seaman to wages shall not depend on the earning of freight; and every seaman and apprentice who would be 20 entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and all conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned, but in all cases of wreck or loss of the ship proof that he has not 25 exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Powers in
case of
death.
1854, s. 184.

182. If any seaman or apprentice to whom wages are due dies before the same are paid, they shall be paid and applied in the manner in this Act provided with respect to the wages of seamen dying 30 during the voyage.

Wages on
termination
of service by
wreck or
illness.
1854, s. 185.

183. Where the service of a seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as 35 provided by this Act, or by reason of his death, he or (in case of his death) his representatives shall be entitled to wages for the time of service up to the time of the wreck or loss or to the time of his discharge, but not for any longer time.

Where a seaman, whose service terminates by reason of any of the 40 matters in this section specified, has been engaged by the run he shall be entitled to a proportionate part of the wages to which he

would have been entitled on the termination of the run, and such proportion shall be calculated in the case of wreck or loss of the ship up to the time of such wreck or loss, and in other cases up to the time of the seaman's discharge or death, as the case may be.

- 5 **184.** Any seaman who has signed an agreement and is afterwards discharged otherwise than in accordance with the terms of the agreement without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned,
10 due compensation for the damage thereby caused to him, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Seamen
improperly
discharged
to have com-
pensation.
1854, s. 167.

- In estimating the amount of such compensation the court shall
15 take into consideration the value of any employment which may be provided for the seaman by the master or owner in substitution for the employment from which he was discharged, and the cost (if any) incurred by the master or owner in providing for the maintenance and return passage of the seaman.

- 20 **185.** Where any engagement of a seaman terminates, he shall be discharged, and his wages shall be paid or deposited in accordance with this Act at the time at which he lawfully leaves the ship, or as soon afterwards as possible; and if they are not paid or deposited at such time, they shall continue to run and be payable until
25 the time at which they are paid or deposited as aforesaid; and if they are not so paid or deposited within three days after the time at which the seaman leaves the ship as aforesaid, the seaman shall be entitled to double wages for every day which elapses between the expiration of such three days and the time of payment or deposit;
30 provided that no owner shall be compelled to discharge or pay any seaman actually employed in delivering cargo, so long as such employment continues.

Provision
for seaman's
subsistence
till wages
are paid.

186. Wages of seamen may, at the option of the owner, be paid as follows :

Mode of
payment of
wages.

- 35 The owner of the ship in respect of which the wages are payable shall deposit the same with a superintendent of a mercantile marine office at the port or place at which the seaman leaves the ship, and where there is a disputed account between the owner and any seaman the owner shall also deposit with the
40 superintendent the amount in dispute, with notice that the same is disputed.

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The superintendent shall give the owner a receipt for the sum deposited, and such receipt shall be admissible in evidence, and shall discharge the owner from all liability in respect of such sums.

Where there is a disputed account between the owner and any seaman, the superintendent shall, if both parties consent, 5 determine the question, and shall pay the amount in dispute or such portion thereof as he thinks just to the party in his judgment entitled thereto; and such payment shall operate as a settlement of the question in dispute, and a certificate of such payment purporting to be under the hand of the superintendent 10 shall be admissible in evidence of such payment.

Superintendant may receive wages for seamen and give receipt.

187. A seaman may authorize any superintendent of a mercantile marine office to receive and settle for his wages on his behalf, and such superintendent or officer shall thereupon have full power to settle any account of the seaman with the owner, and to give 15 receipts on the seaman's behalf, and any such receipt shall discharge the person to whom it is given from all liability in respect of any sums for which it is given.

A superintendent who receives any money in pursuance of this section on a seaman's behalf shall remit the same in such manner 20 as the Board of Trade by any regulations in that behalf prescribes to such person or persons as the seaman directs.

Mode of recovering Wages.

Summary proceedings for wages. 1854, s. 188.

188. Any seaman or apprentice, or any person authorized on his behalf, may sue in a summary manner before two justices acting in 25 or near to the place at which the service of the claimant has terminated, or at which the claimant has been discharged, or at which any person on whom the claim made is or resides, or in any county court having jurisdiction at any such place, or in Scotland either before two justices or before the sheriff of the county within which 30 any such place is situate, for any amount of wages due to him, as soon as the same becomes payable, and every order made by such justices, court, or sheriff in the matter shall be final, unless the amount sued for exceed fifty pounds.

Where the amount of wages sued for in any county court exceeds 35 fifty pounds, an appeal may be had in the manner and subject to the conditions specified in the fourteenth section of the Act of the session of the thirteenth and fourteenth years of Her present majesty, chapter sixty-one.

189. A suit or proceeding for the recovery of wages under the sum of fifty pounds shall not be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, nor in the Court of Session in Scotland, nor in any superior court of record
 5 in Her Majesty's dominions, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or is sold by the authority of any such court as aforesaid, or unless any court justices acting under the authority of this Act refer the case to be adjudged by such court, or unless neither the owner nor master
 10 is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

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Restrictions on suits for wages in superior courts.

1854, s. 189.

190. Where seamen are compensated for their services wholly or in part by shares in the profits of the adventure of the ship in which they serve, such shares or any part thereof may be sued for
 15 and recovered in the manner by this Act prescribed with respect to wages due to seamen.

Share of profits may be recovered as wages.

191. Every master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages which by this Act or by any law or custom any seaman, not
 20 being a master, has for the recovery of his wages; and if in any proceeding before any justices or sheriff or in any court touching the claim of a master to wages any right of set-off or counter-claim is set up, it shall be lawful for such justices, sheriff, or court to enter into and adjudicate upon all questions and to settle all
 25 accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Master to have same remedies for wages as seamen.

1854, s. 191.

Wages and Effects of deceased Seamen.

192. If any seaman or apprentice belonging to or sent home in
 30 any British ship the voyage of which has commenced or is to terminate in the United Kingdom, die during such voyage, the master shall take charge of all money, clothes, and effects which the seaman or apprentice leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by
 35 auction at the mast or other public auction, and shall thereupon sign an entry in the official log book containing the following particulars; (that is to say,)

Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

1854, s. 194.

- (1.) A statement of the amount of the money and a description of the effects so left by the deceased :
- 40 (2.) In case of a sale, a description of each article sold and the sum received for each :

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Seamen.*

- (3.) A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom :

And shall cause such entry to be attested by a mate and by one of the crew.

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Such effects and wages to be paid either to consul or to shipping master, with full accounts.

1854, s. 195.

193. The money and effects of any seaman or apprentice so dying shall be dealt with in accordance with the following rules ; (that is to say,)

- (1.) If the ship proceeds at once to any port in the United Kingdom without touching on the way at any foreign port, the master shall within forty-eight hours after his arrival deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of or received from such sale as aforesaid, and also the balance of wages due to the deceased, to a superintendent of a mercantile marine office at the ship's port of destination in the United Kingdom :
- (2.) If the ship touches and remains for forty-eight hours at some foreign port or at some port in Her Majesty's dominions abroad before coming to any port in the United Kingdom, the master shall report the case to the British consular officer or officer of customs there, as the case may be, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage ; and such officer may thereupon, if he considers it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and shall upon such delivery and payment give to the master a receipt, and the master shall within forty-eight hours after his arrival at his port of destination in the United Kingdom produce the same to a superintendent of a mercantile marine office there ; and such consular officer or officer of customs shall in such case endorse and certify upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade requires :
- (3.) If such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money, and wages, and shall within forty-eight hours after his arrival at his port of destination in the United Kingdom deliver and pay the same to a superintendent of a mercantile marine office there :

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(4.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to the Board of Trade, or to such officer or superintendent as aforesaid, an account in such form as they respectively require of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified in cases where there is an official log book by an entry therein, made and attested as by this Act is required, and also by such other vouchers (if any) as may be reasonably required by the Board of Trade, or by the officer or superintendent to whom the account is rendered :

(5.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United Kingdom, the superintendent shall grant to the master a certificate to that effect, and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

194. If any master fail to do any of the following things, namely,

(1.) to take charge of the money or effects of a seaman or apprentice dying during a voyage;

(2) to make the entries required by this Act in respect of such money or effects;

(3) to procure the attestation to such entries required by this Act;

(4) to make payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is by this Act required,

Penalties
for not
taking
charge of,
remitting,
or account-
ing for such
monies and
effects.
1854, s. 196.

He shall be accountable for the money, wages, and effects of the seaman or apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and shall, in addition, incur a penalty for every such offence not exceeding treble the value of the money or effects not accounted for, or, if such value be not ascertained, not exceeding fifty pounds.

If any such money, wages, or effects be not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and the money and wages and the value of the effects shall be recoverable from him accordingly; and if he fail to account for and pay the same he shall, in addition to his liability for the said money and value, incur the same penalty as is in this section mentioned as incurred by the master for the like offence.

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All money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are by this Act enabled to recover wages due to them.

Effects
abroad not
on board
ship.

1854, s. 197;
25 & 26 Vict.
c. 63. s. 20.

195. If any seaman or apprentice belonging to or sent home in a ship the voyage of which has commenced or is to terminate in the United Kingdom, or who has within the six months immediately preceding his death belonged to any such ship, dies abroad at any place either in or out of the British dominions, leaving any money or effects not on board the ship to which at or last before his death he belonged, the chief officer of customs or the British consular officer at or near to the place shall claim and take charge of such money and effects: 5

Sale of
effects; re-
mittance of
produce,
wages, &c.
1854, s. 197.

196. The chief officer of customs, or the British consular officer taking charge of any effects of a deceased seaman or apprentice under this Act, shall, if he thinks fit, sell the same or any part thereof; and every such officer shall, quarterly or otherwise, as the Board of Trade direct, remit to Her Majesty's Paymaster-General the money belonging to or paid as the wages of or arising from the sale of the effects of deceased seamen or apprentices which has come to his hands under this Act, and shall render such accounts in respect thereof as the Board of Trade require. 15

Recovery of
wages, &c.
of seamen
lost with
their ship.
25 & 26 Vict.
c. 63. s. 21.

197. Where any ship the voyage of which has commenced or is to terminate in the United Kingdom is lost, the wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows; (that is to say,) 25

(1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable:

(2.) In any proceeding for the recovery of such wages, if it is shown by some official return produced out of the custody of the Registrar General of Seamen or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, and if it is not shown that she has been heard of within twelve months after such departure, she shall be deemed to have been lost with all hands on board, either immediately after the time she was last heard of or at such later time as the court hearing the case may think probable: 35

(3.) The production out of the custody of the Registrar General of Seamen or of the Board of Trade of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of a 40

certificate purporting to be a certificate from a consular or other public officer at any port abroad, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss :

- (4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under this Act.

- 10 **198.** Whenever any seaman or apprentice dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the superintendent of the mercantile marine office at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.
1856, s. 198.

- 20 **199.** Where the money and effects of any deceased seaman or apprentice paid, delivered, or remitted to the Board of Trade or its agents, including the monies received for any part of the said effects which have been sold either before delivery to the Board of Trade or by its direction, do not exceed in value the sum of fifty pounds, the Board of Trade may, after deducting for expenses incurred in respect of the seaman or apprentice or of his said money and effects, such amount as they think proper to allow, deal with the remainder of such money and effects as follows :

If less than 50*l.*, wages and property of deceased seamen may be paid over without probate or administration to the persons entitled.
1854, s. 199.

- (1.) They may pay and deliver the said money and effects either to any claimant who is proved to the satisfaction of the said Board to be the widow or a child of the deceased, or to be entitled to the effects of the deceased under his will (if any), or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and the Board of Trade shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or

- (2.) The Board of Trade may, if they think fit so to do, require probate or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased.

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Seamen.

All claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration.

If such money and effects exceed in value the sum of fifty pounds, then, subject to the provisions in this Act contained and to deduction for expenses, the Board of Trade shall pay and deliver the same to the legal personal representatives of the deceased.

Mode of
payment
under wills
made by
seamen.
1854, s. 200.

200. In cases where the deceased seaman or apprentice has left a will the Board of Trade shall have the following powers; (that is to say,)

- (1.) They may, in their discretion, refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate :
- (2.) They may, in their discretion, refuse to pay or deliver any such wages or effects as aforesaid to any person not being related to the testator by blood or marriage who claims to be entitled thereto under a will made elsewhere than on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is some superintendent of a mercantile marine office appointed under this Act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some justice of the peace, or some British consular officer, or some officer of customs, and is attested by such witnesses :

Whenever any claim made under a will is rejected by the Board of Trade on account of the said will not being made and attested as herein-before required the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision
for payment
of just
claims by
creditors,
and for
preventing
fraudulent
claims.
1854, s. 201.

201. The following rules shall be observed with respect to creditors of deceased seamen and apprentices; (that is to say,)

- (1.) A creditor shall not be entitled to claim from the Board of Trade the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor :
- (2.) A creditor shall not be entitled by any means whatever to payment of his debt out of such wages and effects, if the debt accrued more than three years before the death of the

deceased, or if the demand be not made within two years after such death :

(3.) Subject as aforesaid, the steps to be taken for procuring payment of such debt shall be as follows ; (that is to say,) Every person making a demand as creditor shall deliver to the Board of Trade an account in writing in such form as the Board requires, subscribed with his name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a justice :

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a will or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such person's claim, and the creditor shall thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased :

(5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto ; and if by such means the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the assets in the hands of the Board of Trade will extend for that purpose, and such payment shall discharge the Board of Trade from all further liability in respect of the money so paid ; but if such board be not so satisfied, or if such books, accounts, vouchers, or papers as aforesaid be not produced, and no sufficient reason be assigned for not producing them, the demand shall be disallowed :

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand ; and if in the course of that time a claim to the wages and effects of the deceased be made and substantiated as in this Act required by any person interested therein as a widow or child, or under a will, or under the statutes for the distribution of the effects of

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intestates, or under any other statute, or at common law, the Board of Trade may pay and deliver the same to such person; and thereupon the creditor shall have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased :

- (7.) Any creditor who makes a demand upon the Board of Trade in respect of the wages and effects of a deceased seaman without accounting for any monies he may have received in respect of such demand shall forfeit the whole of such demand.

Punishment
for forgery
and false
representa-
tions in
order to
obtain wages
and pro-
perty of
deceased
seamen.
1854, s. 203.

202. Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with penal servitude for five years, or with imprisonment with or without hard labour for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Mode of
dealing with
unclaimed
wages of
deceased
seamen.
1854, s. 202.

203. In cases of wages or effects of deceased seamen or apprentices received by the Board of Trade to which no claim is substantiated within six years after the receipt thereof by the board, it shall be in the absolute discretion of such board, if any subsequent claim is made, either to allow or to refuse the same; and, subject to the provision in this Act contained with respect to the monies and effects of seamen discharged from any of Her Majesty's ships, the Board of Trade shall from time to time pay any monies arising from the unclaimed wages and effects of deceased seamen, which in the opinion of such board it is not necessary to retain for the purpose of satisfying claims, into the receipt of Her Majesty's exchequer in such manner as the Treasury directs, and such monies shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Effects of
seamen dis-
charged
from navy
to be dis-

204. Where seamen are invalided or discharged from any of Her Majesty's ships, and being sent home in merchant ships die during the voyage, any monies or effects belonging to them which

are paid, remitted, or delivered to the Board of Trade or its agents, under the provisions of this Act, shall be paid over and disposed of in such manner as the Accountant General of Her Majesty's Navy directs.

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posed of by
Accountant
General of
Navy.

1854, s. 204.

5 *Remittance of Wages, Savings Banks, Insurance, and Annuities for Seamen.*

205. The Board of Trade may direct superintendents of mercantile marine offices and British consular officers to remit the wages and other monies of seamen and apprentices by means of seamen's money orders, in accordance with this Act.

Remittance
of seamen's
wages.
1854, s. 177.

15 206. The Board of Trade may from time to time make, cancel, and vary regulations concerning seamen's money orders issued by superintendents of mercantile marine offices and British consular officers, in pursuance of this Act, and may specify in such regulations the persons by or to whom and the mode and time in and at which the same are to be paid; and all such regulations, so long as they are in force, shall be binding upon all persons interested or claiming to be interested in such orders, as well as upon the officers employed in issuing or paying the same.

Board of
Trade may
make regu-
lations
concerning
money
orders.
1854, s. 177.

20 207. The Board of Trade may, in any case in which they think fit so to do, cause the amount of any such seaman's money order as aforesaid to be paid to the person to whom or in whose favour the same has been granted, or to his personal representatives, legatees, or next of kin, notwithstanding that such order may not be in his or their possession; and in all such cases from and after such payment the Board of Trade and every superintendent of a mercantile marine office or other officer employed about such money order, shall be freed from all liability in respect thereof.

Power to
pay when
order is
lost.
1854, s. 178.

30 208. Every superintendent of a mercantile marine office or other officer who grants or issues any seaman's money order with a fraudulent intent shall in England or Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and shall be liable to be kept in penal servitude for five years.

Penalty for
issuing
money
orders with
fraudulent
intent.
1854, s. 179.

35 209. The Board of Trade may establish in London a central savings bank for seamen, with branch savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen, or the wives, widows, and children of seamen, so that the aggregate amount of deposit standing at any one time in the name of any one depositor do not exceed two hundred pounds

Power for
Board of
Trade to
establish
savings
banks.
1856, s. 1.

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Power to constitute mercantile marine offices branch savings banks.

1856, s. 2.
Commissioners for the Reduction of the National Debt to receive deposits, &c.
1856, s. 3.Board of Trade to make regulations for conduct of savings banks.
1856, s. 4.Application of deposits of deceased depositor.
1856, s.

Punishment for forgery or for making false representations in order to

210. The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and may require any superintendent of that office to act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks, and thereupon the duties of such agent shall be deemed part of his duties 5 under this Act.

211. The Commissioners for the Reduction of the National Debt may from time to time, on the request of the Board of Trade, receive from Her Majesty's Paymaster General the money received by the Board of Trade as deposits in savings banks under this Act, and 10 may from time to time, on the like request, repay to Her Majesty's Paymaster General, to the account of the Board of Trade, the money so received by the commissioners, and the commissioners shall invest money so received by them in the manner in which money received 15 from trustees of savings banks are invested by them, and shall pay to Her Majesty's Paymaster General, to the account of the Board of Trade, interest on the money so received by them, as long as the same continues in their hands, at the same rate at which they pay interest for the time being on the money received by them from the trustees of savings banks. 20

212. The Board of Trade may make and from time to time alter such regulations as they may think fit with respect to the persons entitled to become depositors, to the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and with respect to 25 all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this Act. 30

213. All sums of money due from the Board of Trade to the estate of any deceased person entitled to any deposit in any savings bank established under this Act shall be paid and applied by such Board to the same persons to whom and in the same manner and subject to the same conditions on and subject to which the money and effects 35 of a deceased seaman are payable and applicable under the provisions of this Act.

214. Every person who, for the purpose of obtaining payment, either for himself or for another, of any seaman's money order or any money deposited in any savings bank established under this Act, or 40 any interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or pro-

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- cures to be fraudulently altered, any document purporting to show or assist in showing a right to any such payment or to any such money or interest, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or
- 5 who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall on conviction be punishable with penal servitude for five years, or with imprisonment, with or without hard labour, for
- 10 any period not exceeding two years, or, if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

obtain
deposits or
interest.
1856, s. 6.

215. The Board of Trade may, out of the interest paid by the Commissioners for the Reduction of the National Debt on the monies
- 15 paid to them under this Act, pay any expenses incurred by them in relation to seamen's savings banks in pursuance of this Act.

Expenses of
savings
banks how
to be de-
frayed.
1856, s. 7.

216. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under the authority of this Act, and of the interest thereon, shall be laid before
- 20 both Houses of Parliament; and a copy of all regulations made by this board under the authority of this Act with respect to seamen's savings banks shall likewise be laid before both Houses of Parlia-
ment.

Accounts
and copy of
regulations
to be laid
before Par-
liament.
1856, s. 8.

217. No legal proceedings shall be instituted against the Board of
- 25 Trade, or against any superintendent of a mercantile marine office, or other public officer employed in or about any savings banks established under this Act, or about any money orders issued for re-
mittance of wages or other monies of seamen under this Act, on
account of any regulations made by the Board of Trade with
- 30 reference to such banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any deposit or interest thereon, unless such refusal, neglect, or omission arise from fraud or wilful mis-
behaviour on the part of the person against whom proceedings are
- 35 instituted.

Public offi-
cers to be
exempt from
legal pro-
ceedings,
except in
case of
wilful de-
fault.
1854, s. 177.
1856, s. 4.

218. The enactments in this part of this Act contained with respect to money orders, saving banks, insurance against death, and grant of annuities shall apply to all seamen and to their wives and families, whether such seamen belong to the Royal Navy or to
- 40 the merchant service, or to any other sea service.

Enactments,
concerning
savings
banks, &c.,
to apply to
seamen in
the navy.
18 & 19 Vict.
c. 19, s. 17.

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Relief to Seamen's Families out of Poor Rates.

Relief to seamen's families to be chargeable on a certain proportion of their wages.
1854, s. 192.

219. Whenever during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed, out of the wages of such seaman 5
earned during the voyage, any sums properly expended during his absence in the maintenance of his said relatives, or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

(1.) If only one of such relatives is chargeable, one half of such 10
wages :

(2.) If two or more of such relatives are chargeable, two thirds of such wages :

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relative as aforesaid, under 15
an allotment note given by the seaman in favour of such relative, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

Notice to be given to owner, and charge to be enforced on the return of the seaman.
1854, s. 193.

220. For the purpose of obtaining such reimbursement as afore- 20
said the following local authorities ; (that is to say,)

In any union or parish in England in which the relief of the poor is administered by guardians, the guardians :

In any parish in England in which the relief of the poor is not administered by guardians, the overseers of the poor : 25

In Ireland the guardians or other persons having the authority of guardians in any union :

In Scotland any inspector of the poor :

May give to the owner of the ship in which the seaman is serving a notice in writing, stating the proportion of the seaman's wages upon 30
which it is intended to make claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on the seaman's return to give notice in writing thereof 35
to the local authority.

The owner, after receiving such notice, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim. 40

The local authority may, upon the seaman's return, apply in a summary way in England or Ireland to any two justices having jurisdiction in the union or parish claiming reimbursement, and in Scotland to the sheriff of the county, for an order for reimbursement; and such justices or sheriff may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, or to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to the local authority out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman.

If no order for reimbursement is obtained within the period mentioned in the notice to be given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of such period and without deduction be payable to the seaman.

221. If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any country not having any consul in the United Kingdom, be brought to the United Kingdom in any ship, British or foreign, as a seaman, and be left in the United Kingdom, and within six months of his being so left he become chargeable upon the poor rate, or commit any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding thirty pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person of returning to his native country or to the country in which he was shipped, and the court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

Penalty on masters of ships leaving certain seamen in distress in this country. 1854, c. 120. s. 16.

222. It shall be the duty of the Secretary of State for India for the time being to take charge of and send home or otherwise provide for all persons being lascars or other natives of the territories under the government of Her Majesty in India who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise,

Relief of destitute lascars. 1855, s. 22.

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give notice thereof in writing to the said Secretary of State, specifying as far as is practicable the following particulars, viz. :

1. The name of the person so relieved or maintained :
2. The presidency, or district, or part of the territories of Her Majesty in India, of which he professes to be a native : 5
3. The name of the ship in which he was brought to the United Kingdom :
4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived when he was so brought to the United Kingdom, 10 and the time of such arrival :

And the said Secretary of State shall repay to the said overseers, guardians, or other persons out of the revenues of India all monies duly expended by them in relieving or maintaining such destitute person after the time at which such notice aforesaid is sent or otherwise given. 15

Leaving Seamen abroad.

Seamen not
to be dis-
charged or
left abroad
without cer-
tificate.
1854, ss. 204
-213.

223. The master of a British ship shall not discharge or leave abroad any seaman or apprentice unless he obtain a certificate in that behalf from the following authorized persons ; (that is to say,) 20

If the event occur at any place within Her Majesty's dominions from a superintendent of a mercantile marine office, or if there be no such superintendent, from the principal officer of customs resident at or near the place ;

If the event occur at any place out of Her Majesty's dominions 25 from the British consular officer of the place, or some person appointed by him in that behalf, or if the consular officer be absent, or if there be no consular officer of the place, from two respectable British merchants resident at or near the place.

In the construction of this part of this Act the terms "discharge 30 abroad" and "leave abroad" shall mean in the case of a seaman or apprentice engaged in the United Kingdom to discharge or leave him at any place out of the United Kingdom, and in the case of a seaman or apprentice engaged in any British possession to discharge or leave him at any place out of such possession. 35

Conditions
of obtaining
certificate.

224. Before a certificate is granted authorizing any seaman or apprentice to be discharged or left abroad, the master of the ship shall on making application for the certificate produce the agreement with the crew of such ship to the person or persons to whom the application is made, and shall deliver to him or them a true 40 account in duplicate of the amount of wages due to the seaman or apprentice, and shall deposit with such person or persons,—

(1.) The amount of wages and of compensation (if any) due to the seaman or apprentice :

(2.) Save in the cases otherwise provided for by this Act the amount requisite to provide for the maintenance and return passage of the seaman or apprentice :

5

Upon compliance with the foregoing conditions the person or persons authorized to grant certificates for the discharge or leaving abroad of seamen or apprentices shall grant such certificate,—

10 (a.) If the seaman or apprentice be discharged in accordance with the terms of the agreement with the crew of the ship ; or

(b.) If the master and the seaman or apprentice both consent to such discharge or leaving abroad ; or

(c.) If the seaman or apprentice be discharged by or in pursuance of the sentence of a competent court ;

15 but in all other cases shall inquire into the circumstances, and may for that purpose administer oaths, and shall give or withhold the certificate as he or they think fit, and any person who in the course of such inquiry wilfully makes any false statement shall be guilty of a misdemeanour.

20 **225.** In the following cases ; (that is to say,)

(1.) If the master prove to the satisfaction of the person or persons to whom he applies for a certificate that he has provided adequate employment or an adequate return passage for the seaman or apprentice ;

25 (2.) If the master state that the cause of leaving the seaman or apprentice behind is desertion, and the seaman or apprentice be convicted of desertion by any competent court ;

It shall not be necessary for the master to deposit any money on account of the maintenance or return passage of such seaman or

30 apprentice.

Where the master has deposited any monies on account of the maintenance and return passage of any seaman or apprentice, and, within such reasonable time as may be fixed by the regulations of the Board of Trade, provides adequate employment for the seaman

35 or apprentice or provides him with an adequate return passage, such monies shall after deducting therefrom any sums which may have been spent on account of such seaman or apprentice be returned to the master.

226. It shall be lawful for the officers and persons authorized to grant certificates in the case of seamen or apprentices discharged or left abroad to decide upon the adequacy of any employment or return passage provided as aforesaid for any seaman or apprentice,

Cases in which no money is to be deposited for maintenance and return passage.

Persons who grant certificates to decide on adequacy of employment

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passage.

and whether such passage ought to be to the place where the seaman or apprentice was shipped or to his home, and in accordance with such decision to return to or withhold from the master the money deposited for the purpose of maintaining such seaman or apprentice and paying his return passage. 5

Endorse-
ment of cer-
tificate on
ship's agree-
ment.

227. When any certificate for discharging or leaving abroad any seaman or apprentice is granted the person granting the same shall endorse upon the agreement of the ship which the seaman or apprentice is leaving a statement of the fact, and, if satisfied of the correctness of the account of the wages due to the seaman or 10 apprentice, shall endorse a receipt for the same upon one of the duplicates of such account delivered to him as aforesaid, and shall return the duplicate so endorsed to the master.

Amount to
be paid for
expenses of
seamen left
abroad.

228. It shall be lawful for the Board of Trade from time to time to make, cancel, or alter regulations with respect to the 15 amount to be deposited in accordance with the provisions of this Act for the expenses of the maintenance and return passage of seamen and apprentices discharged or left abroad at any place within or out of Her Majesty's dominions, and in default of any such regulations the requisite amount shall be determined by the 20 person or persons authorized by this Act to give certificates for the discharge or leaving of seamen abroad.

For the purposes of this part of this Act the term "maintenance" includes the cost of medical attendance in case of sickness and burial in case of death. 25

Expenses
of mainte-
nance, &c. to
be a charge
on the ship.

229. The expenses of the maintenance and return passage of any seaman or apprentice shall be a charge upon the ship to which the seaman or apprentice belonged at the time of his being dis- charged or left abroad, and where they are not deposited in accordance with this Act they, or any part thereof, may, if the 30 seaman or apprentice has paid the same, or rendered himself liable to pay the same, be sued for and recovered by such seaman or apprentice or his representatives in the same manner as wages under this Act.

Where sea-
men is dis-
charged for
his conduct,
expenses of
his mainte-
nance may
be deducted
from wages.

230. Where any seaman or apprentice is discharged abroad it 35 shall be lawful for any court in which the wages of seamen may be sued for and recovered, if satisfied that the discharge of the seaman or apprentice is due to his misconduct, to order that the expenses of his maintenance and return passage, or any part of such expenses, be paid by the seaman or apprentice himself; and such expenses 40 shall be payable accordingly, and may, if they have been paid or deposited by the master of the ship, be deducted from any wages

due to the seaman or apprentice; but nothing in this section contained shall affect the liability of any master or owner of a ship to repay any expenses which may be incurred in pursuance of this Act in respect of the relief of such seaman or apprentice by any person or persons authorized to provide for seamen and apprentices who are in distress in any place abroad.

231. Payment of the wages of seamen and apprentices discharged or left abroad, and of the sum to be deposited to meet the expenses of their maintenance and return passage, shall, whenever it is practicable so to do, be made in money and not by bill.

Payment of
seamen's
wages to be
in cash
where prac-
ticable.

Where payment is made by bill the person to whom the payment is made shall certify by endorsement on the bill the purpose for which it is drawn, and shall also endorse the amount for which the bill is drawn, with such further particulars as the Board of Trade requires, on the agreement of the ship. Where payment is made by bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section, and to be indorsed as in this section required, if produced out of the custody of the Board of Trade or of the Registrar of Seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of this section shall also be received in evidence, and shall be deemed to be *prima facie* evidence of the facts stated in such indorsement.

232. Where any seaman or apprentice has been discharged or left abroad, and a duplicate of the account of his wages has been returned to the master, the master shall, within forty-eight hours after his return to his port of destination, deliver the same to a superintendent of a mercantile marine office there.

Accounts of
expenses of
seamen
relieved.
1854, s. 210.

The person to whom the wages of the seaman or apprentice are paid under this Act shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or otherwise quits the port, deduct out of the sum received by him as aforesaid on account of wages any expenses which have been incurred by him in respect of the seaman or apprentice under the provisions in this Act contained, over and above the sum deposited for his expenses, and shall pay the remainder of the wages to the seaman or apprentice, and

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shall also deliver to him an account of the sums so received and expended on his behalf, and shall, if the seaman or apprentice dies before his ship quits the port, deal with such wages in the manner in this Act specified in that behalf, and shall, if the seaman or apprentice is sent home at the public expense under 5 the provisions in this Act contained, account for the amount received on account of wages to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, be dealt with as wages to which the seaman or apprentice is entitled. 10

The amount deposited for the expenses of the seaman or apprentice shall be accounted for by the person who receives the same to the Board of Trade, and the residue of the amount (after defraying the expenses incurred) shall be returned to the owner of the ship.

Discharge
of seamen
abroad to
be conducted
in same
manner as
in the United
Kingdom.

233. The discharge of seamen discharged abroad shall take place 15 before the persons authorized by this Act to grant certificates for discharging or leaving seamen abroad; and the rules which are in this Act contained with respect to the discharge of seamen before, and the deposit of seamen's wages with superintendents of mercantile marine offices in the United Kingdom, with the penalties imposed on 20 persons making default with respect thereto, shall, so far as may be, apply to the discharge of seamen before and the deposit of seamen's wages with the said authorized persons, and such persons shall have all the powers which superintendents of mercantile marine offices in the United Kingdom are by this Act enabled to exercise with respect 25 to such discharge and with respect to wages deposited with them.

Penalty on
forcing sea-
men ashore
or discharg-
ing them
abroad, in
contraven-
tion of this
Act.

234. If the master of a British ship wrongfully force ashore or if he discharge or leave abroad any seaman or apprentice without first obtaining a certificate in accordance with the provisions of this Act, he shall be guilty of a misdemeanor; and in any judicial 30 proceeding against any master for discharging or leaving abroad any seaman or apprentice in contravention of this Act the burden of proving that such certificate as is required by this Act was obtained or could not be obtained shall be upon the master.

Distressed
seamen
found abroad
may be re-
lieved and
sent home
at the public
expense.
1854, s. 211.
1855, s. 16.
25 & 26 Vict.
c. 63. s. 22.

235. The following officers, that is to say, superintendents of 35 mercantile marine offices within Her Majesty's dominions, and governors, consular officers, and other officers of Her Majesty in foreign countries, shall, and in places where there are no such officers any two resident British merchants may, on such conditions, subject to such regulations, and in accordance with such instructions as the 40 Board of Trade may from time to time impose or issue, provide for the maintenance of all seamen or apprentices, whether subjects of

Her Majesty or not, who have been discharged abroad or left abroad from any British ship, and who are in distress in any place abroad, and also for all seamen and apprentices being subjects of Her Majesty who have been discharged abroad or left abroad from any
5 foreign ship, or who are in distress in any place abroad.

The said officers shall, and the said merchants may, in accordance with such regulations and instructions, provide any such seaman or apprentice with a return passage in a British or in a foreign ship, and shall, in the case of a British ship, endorse on the agreement of
10 the ship the name of every person for whom a passage is so provided on board thereof, with such particulars concerning the case as the Board of Trade requires.

No seaman or apprentice shall have any right to be maintained or sent home except in the cases and to the extent provided for by
15 the said conditions, regulations, and instructions.

The officers or merchants (as the case may be) shall in every such case be allowed for the maintenance of any such seaman or apprentice such sum per diem as the Board of Trade from time to time appoints, and the amount due in respect of such allowance shall,
20 be paid out of any monies voted by Parliament for the purpose of the relief of distressed British seamen on the production of the bills of the disbursements with the proper vouchers.

236. The master of every British ship shall receive and afford a passage and maintenance to all seamen and apprentices whom he is
25 required to take on board his ship by any person authorized under the provisions of this Act to relieve distressed seamen, not exceeding one for every fifty register tons, and shall convey them to any port to which he may be bound, and shall during the passage provide every such seaman or apprentice with a proper berth or sleeping place,
30 effectually protected against sea and weather.

On the production of a certificate signed by any superintendent of a mercantile marine office, governor, consular or other officer, or by any merchants by whose directions any such seaman or apprentice was received on board, in such form and specifying
35 such matters as the Board of Trade from time to time require, and on a declaration made by the master before a justice and verified by the Registrar General of Seamen stating such matters as the Board of Trade by any regulation may require, the master shall be entitled to be paid out of the said monies voted for the relief
40 of distressed British seamen, in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade from time to time appoints.

Masters of
British
ships com-
pelled to
take seamen.
1854, s. 212.

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If any person having charge of any such ship fails or refuses to receive on board his ship or to give a passage or maintenance to or to provide for any such seaman or apprentice as aforesaid, in accordance with the provisions of this Act, he shall incur a penalty not exceeding one hundred pounds for each seaman or apprentice 5 with respect to whom he makes such refusal or default.

Expenses of
relief of
distressed
seamen.
1854, s. 213.
1855, s. 16.

237. The expenses of the maintenance and return passage (or either) of any distressed seaman or apprentice relieved in accordance with the terms of this Act, as well as any expenses incurred by any foreign Government for the like purpose, and repaid by Her Majesty's Government, and the wages and compensation (if any) due to such seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which the seaman or apprentice belonged, and may be recovered, with costs, from the master of the ship or from the owner of the ship for the time being, or, if the ship be a foreign 15 ship, from any person who engaged such seaman or apprentice for service in the ship, by the Board of Trade in the name of Her Majesty as a debt due to Her Majesty, either by ordinary process of law or in the manner in which seamen are by this Act enabled to recover wages. 20

In any such proceeding, production of the account (if any) to be furnished in such cases in accordance with the provisions of this Act, together with proof of payment by the Board of Trade or by the Paymaster General of the charges incurred on account of any such seaman or apprentice, shall be sufficient evidence that the cost 25 of his maintenance and return passage, or either, as the case may be, was defrayed by Her Majesty.

Volunteering into the Navy.

In time of
war seamen
may be au-
thorized by
Order in
Council to
volunteer
into the
navy.

238. It shall be lawful for Her Majesty at any time to declare by Order in Council that merchant seamen may volunteer into the 30 navy.

The order shall be published in the London Gazette; it shall come into force on the date specified in the order, or if there be no date specified from the date of its publication in the London Gazette.

The order shall continue in force for such period as is named 35 therein, or until it be cancelled by a subsequent Order in Council; and it shall apply to such ships and in such places as are specified in the order, or, if no ships or places be specified therein, to all British ships wherever they may be.

Seamen
allowed to
leave their

239. So long as any order authorizing merchant seamen to volun- 40 teer into the navy is in force any seaman may leave his ship for

the purpose of forthwith entering into the naval service of Her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any
 5 agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into Her Majesty's naval service in pursuance of this section shall be void, and every master or owner who causes any such stipulation to be so introduced shall incur a penalty not exceeding twenty pounds.

ships in order to enter the navy.
 1854, s. 214.

- 10 **240.** Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of Her Majesty in pursuance of this Act, and is received into Her Majesty's service, the master shall deliver to him his clothes and effects on board such
 15 ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions, to the officer authorized to receive the seaman into Her Majesty's service, either in money or by bill drawn upon the owner and payable at sight to the order of the Accountant General of the Navy; and the receipt of
 20 such officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty.

Clothes to be delivered at once.
 1854, s. 215.

Wages to be given to the Queen's officer on account of the seaman.

If upon any seaman leaving his ship in the manner and for the purpose aforesaid the master fail to deliver his clothes and effects, or to pay his wages as by this Act required, he shall, in addition
 25 to his liability to pay and deliver the same, incur a penalty for each offence not exceeding twenty pounds.

- 241.** The regulations contained in the ninth schedule hereto shall have effect with regard to the wages of any seaman who is received into Her Majesty's service as aforesaid, and such regula-
 30 tions shall be of the same force as if they were enacted in the body of this Act.

Regulations in ninth schedule to have effect with regard to wages of seamen received into navy.

- 242.** Every person who, in making or supporting any application to the Registrar of the High Court of Admiralty in pursuance of any of the regulations contained in ninth schedule hereto,
 35 forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in making or supporting any such application presents or makes use of any such forged or altered document, or who in making or supporting
 40 any such application makes or gives, or assists in making or giving, or procures to be made or given, any false evidence or representation, knowing the same to be false, shall be deemed guilty of a misdemeanor.

Penalty for forgery and false representations in support of such applications.
 1854, s. 220.

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Provisions, Health, and Accommodation.

Survey of
provisions
and water
on complaint
made.
1854, s. 221.

243. Any three or more of the crew of any British ship may at any time complain to any officer in command of any of Her Majesty's ships, to any British consular officer, to any superintendent of a mercantile marine office, or to any chief officer of 5 customs, that the provisions or water for the use of the crew are of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined.

If on examination such provisions or water are found to be of 10 bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master do not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or do not procure the 15 requisite quantity of any so signified to be insufficient in quantity, or if he use any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall in every such case incur a penalty not exceeding twenty pounds.

Upon every such examination as aforesaid the officers making or 20 directing the same shall enter a statement of the result of the examination in the official log of the said ship, and shall send a report thereof to the Board of Trade, and such report, if produced out of the custody of such board or its officers, shall be received in 25 evidence in any legal proceeding.

Forfeiture
for frivolous
complaint.
1854, s. 222.

244. If the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum 30 not exceeding one week's wages.

Allowance
for short or
bad provi-
sions.
1854, s. 223.

245. In the following cases; (that is to say,)

(1.) If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agree- 35 ment, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore):

(2.) If it is shown that any of such provisions are or have during 40 the voyage been bad in quality and unfit for use:

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the follow-

ing sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

- (1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum
5 : not exceeding fourpence a day :
(2.) If his allowance is reduced by more than one third of such quantity, eightpence a day :
(3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day :

- 10 But if it is shown to the satisfaction of the court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall
15 modify or refuse compensation as the justice of the case may require.

246. The rules contained in the tenth schedule hereto shall be observed with respect to medicines, books of instructions, medical stores, lime, lemon juice, and other anti-scorbutics.

Anti-scorbutics to be provided in accordance with schedule ten.
1867, s. 4.

247. The Board of Trade may from time to time exempt from
20 the rules in the tenth schedule hereto any ships or classes of ships they think expedient, and may attach to such exemption such conditions as they think fit, including a penalty not exceeding twenty pounds, recoverable summarily, for the breach of any such condition.

Board of Trade may exempt ships from rules in tenth schedule.

248. If in any foreign-going ship not included under any exemption granted by the Board of Trade such medicines, medical
25 stores, book of instructions, lime or lemon juice, sugar, or anti-scorbutics as are by the third schedule required are not provided, packed, and kept on board, as thereby required, the owner or master shall be deemed to be in fault, and shall for each default incur a
30 penalty not exceeding twenty pounds, unless he can prove that the non-compliance with the said rules, or any of them, was not caused through any inattention, neglect, or wilful default on his part; and if the lime or lemon juice and sugar or other anti-scorbutics be not served out in the case and manner by the said schedule directed, or
35 if entry be not made in the official log in the case and manner by the said schedule required, the master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding five pounds, unless he can prove that the non-compliance with such rules, or any of them, did not arise through any neglect, omission, or wilful
40 default on his part; and if in any case it be proved that some person other than the master or owner is in default in any case under this section then such other person shall be liable to a penalty not exceeding twenty pounds.

Penalty for non-observance of rules in tenth schedule.
1867, c. 4.

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Seamen to be entitled to a shilling for every day anti-scorbutics are not served out.

Penalty for selling, &c. medicines, &c. of bad quality.

1867, s. 5.

Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.

1867, s. 6.

Seaman's expenses in case of illness through neglect of owner or master to be paid by them.

1867, s. 7.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

1867, s. 8.

Masters to keep weights and measures on board.

1854, s. 225.

249. If the master of any ship fail to serve out or to cause to be served out to any seaman lime or lemon juice or other anti-scorbutics, in accordance with the provisions of this Act, such seaman shall be entitled to the sum of one shilling for every day on which the master fails to serve or cause the same to be served out, and 5 such sum shall be in addition to the wages of the seaman, and shall be recoverable as wages.

250. Any person who manufactures, sells, or keeps or offers for sale any such medicines or medical stores as aforesaid which are of bad quality shall for each such offence incur a penalty not exceeding 10 twenty pounds.

251. In any British possession the governor or officer administering the government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of lime or lemon juice and anti- 15 scorbutics for the use of ships; and any lime or lemon juice or anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships.

252. Whenever it is shown that any seaman or apprentice who is ill has, through the neglect of the master or owner, not been pro- 20 vided with proper food and water according to his agreement, or with such accommodation, medicines, medical stores, or anti-scorbutics as are required by this Act, then, unless it can be shown that the illness has been produced by other causes, the owner or master shall be liable to pay all expenses reasonably incurred by reason of 25 such illness (not exceeding in the whole three months wages) either by such seaman himself, or by Her Majesty's Government, or any officer of Her Majesty's Government, or by any parochial or other local authority on his behalf, and such expenses may be recovered in the same way as if they were wages duly earned: Provided that 30 this enactment shall not operate so as to affect any further liability of any such owner or master for such neglect, or any remedy which any seaman or apprentice already possesses.

253. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by 35 his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

254. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several 40 provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such

quantities; and in default shall for every offence incur a penalty not exceeding ten pounds.

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255. The following rules shall be observed with respect to expenses attendant on illness and death; (that is to say,)

Expense of
medical at-
tendance and
subsistence
in case of
illness, and
of burial in
case of
death, how
to be de-
frayed.

1854, s. 228.

5 (1.) If the master or any seaman or apprentice receives any hurt
or injury in the service of the ship to which he belongs,
the expense of providing the necessary surgical and
medical advice, with clothing, attendance, and medicines,
and of his subsistence until he is cured, or dies, or is
10 brought back to the port at which he was shipped, and of
his conveyance to such port, and the expense (if any) of his
burial, shall be defrayed by the owner of such ship, without
any deduction on that account from the wages of such
master, seaman, or apprentice:

15 (2.) If the master or any seaman or apprentice is on account of
any illness temporarily removed from his ship for the
purpose of preventing infection, or otherwise for the con-
venience of the ship, and subsequently returns to his duty,
the expense of such removal and of providing the necessary
20 advice with attendance and medicines, and of his subsis-
tence whilst away from the ship, shall be defrayed in like
manner:

(3.) The expense of all medicines and surgical or medical advice
and attendance given to any master, seaman, or apprentice
25 whilst on board his ship shall be defrayed in like manner:

(4.) In all other cases any reasonable expenses duly incurred by
the owner for any seaman in respect of illness, and also
any reasonable expenses duly incurred by the owner in
respect of the burial of any seaman or apprentice who dies
30 whilst on service, shall, if duly proved, be deducted from
the wages of such seaman or apprentice.

256. If any such expenses in respect of the illness, injury, or
hurt of any seaman or apprentice as are to be borne by the owner
are paid by any consular officer or other person on behalf of Her
35 Majesty, or if any other expenses in respect of the illness, injury,
or hurt of any seaman or apprentice whose wages are not accounted
for to such officer under the provisions herein-before contained in
that behalf are so paid, such expenses shall be repaid to such officer
or other person by the master of the ship, and if not so repaid the
40 amount thereof with costs shall be a charge upon the ship, and be
recoverable from the said master or from the owner of the ship in
the same manner as the expenses of the relief of distressed seamen
are recoverable under this Act; and in any proceeding for the

Expenses if
paid by
consul to be
recoverable
from owner.
1854, s. 229.

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recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such consular officer or other person as aforesaid.

Certain ships
to carry
medical
practi-
tioners.
1854, s. 230.

257. Every foreign-going ship, having one hundred persons or 5 upwards on board, shall carry on board as part of her complement some person duly authorized by law to practise as physician, surgeon, or apothecary; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding one hundred pounds: Provided that nothing 10 herein contained shall in anywise affect any provision contained in the "Passengers Act, 1852," concerning the carriage of medical practitioners by the class of ships therein named passenger ships, nor shall any such passenger ship, if not thereby required to carry 15 a medical practitioner, be hereby required to do so.

Accommo-
dation for
seamen.
1867, s. 9.

258. Due accommodation for seamen and apprentices shall be provided in all British ships according to the rules contained in the eleventh schedule hereto.

Her Majesty may by Order in Council from time to time alter the said rules or any of them: Provided that in all cases the space 20 to be appropriated for each seaman and apprentice shall be, as nearly as may be, the space fixed by such rules.

If the provisions of any rule contained in the eleventh schedule hereto, or of the said rules, or any of them, as altered by Her Majesty in Council, are not observed with respect to accommodation 25 in any ship, the owner of such ship shall be deemed to be in fault, and shall for every failure to comply with any of such provisions incur a penalty not exceeding twenty pounds.

Governors
of British
possessions
may appoint
surveyors.
31 & 32 Vict.
c. 129. s. 3.

259. The governor of any British possession may from time to time appoint surveyors, who shall have and may exercise within 30 such possession all the powers with respect to the inspection of crew spaces that are conferred by this Act with respect thereto upon surveyors appointed by the Board of Trade.

Power of making Complaint.

Seamen to
be allowed
to go on
shore to
make com-
plaint to a
justice.
1854, s. 232.

260. Where any seaman or apprentice whilst on board any ship 35 states to the master that he desires to make complaint to a justice of the peace, or consular officer, or naval officer in command of any of Her Majesty's ships, against the master or any of the crew; or

Where any three or more of the crew of any British ship state 40 to the master their desire to complain of the quality or quantity

of the provisions or water for the use of the crew to any officer to whom they are authorized by this Act to complain of such matters,

The said master shall, if the ship be then at a place where there is a justice or any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship be not then at such a place so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore, or in the case of complaint to a naval officer to the ship of such officer, in proper custody, so that he may be enabled to make such complaint; and shall, in default, incur a penalty not exceeding ten pounds.

If any such complaint be frivolous in the opinion of the person or persons by whom the same is heard such person or persons may order the complainant to pay such sum not exceeding five pounds as he or they think expedient, and the master or owner may thereupon deduct such sum from any wages payable to the complainant, or may recover such sum in a summary way.

Protection of Seamen from Imposition.

261. No wages due or accruing to any seaman or apprentice, or deposited by any seaman or apprentice with a superintendent of a mercantile marine office or consular officer, shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

Sale of and charge upon wages to be invalid. 1854, s. 233.

262. No debt exceeding in amount five shillings incurred by any seaman after he has engaged to serve shall be recoverable until the service agreed for is concluded.

No debt exceeding 5s. recoverable till end of voyage. 1854, s. 233.

263. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein he shall incur a penalty not exceeding ten pounds.

Penalty for overcharges by lodging-house keepers. 1854, s. 234.

264. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice to the sea service, and does not return the same or pay

Penalty for detaining seamen's effects. 1854, s. 236.

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the value thereof, when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding ten pounds; and any two justices may, besides inflicting such penalty, 5 by summary order direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Penalty for
detaining
certificate.

265. If any person having in his possession a certificate of service granted before the commencement of this Act, or a certificate of 10 competency of any officer certificated under this Act, or any certificate of discharge of any such officer, or of any seaman, and not being lawfully entitled to retain such certificate, refuse or neglect to deliver the same up to the Registrar General of Seamen, or to any superintendent of a mercantile marine office, on being required 15 so to do by such Registrar General or superintendent, he shall for each offence incur a penalty not exceeding ten pounds, and such penalty shall be in addition to any other penalty he may be liable to for such refusal or neglect.

Persons not
to go on
board before
the final
arrival of
ship without
permission.
1854, s. 237.

266. Every person who, not being in Her Majesty's service and 20 not being duly authorized by law for the purpose, goes on board any ship without the permission of the master, shall for every such offence incur a penalty not exceeding twenty pounds; and the master may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or 25 peace officer, to be by him taken before a justice or justices, or in Scotland before the sheriff of the county, to be dealt with according to the provisions of this Act.

Harbour
authority
may license
porters.

267. It shall be lawful for any harbour authority, with the consent of the Board of Trade, to license persons to act as porters 30 at any place within their jurisdiction, in taking luggage or effects out of ships there discharged, upon such conditions and subject to such regulations as to revocation of licence and otherwise as such harbour authority think fit.

Where any persons have been so licensed they shall, during the 35 continuance of their licence, be deemed to be authorized by law to go on board any ship at the places and for the purposes for which they are licensed.

Penalty for
solicitations
by lodging-
house
keepers.
1854, s. 238.

268. If, within twenty-four hours after the arrival of any ship at any port in the United Kingdom, any person then being on board 40 such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any

effects of any seaman, except under the personal direction of the seaman and with the permission of the master, he shall for every such offence incur a penalty not exceeding five pounds.

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Discipline.

- 5 **269.** Any master of or any seaman or apprentice belonging to any British ship who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or
10 on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from
15 immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.

Misconduct endangering ship or life or limb a misdemeanor.
1854, s. 239.

- 270.** Any British court having admiralty jurisdiction may, upon application by the owner of any ship which is within the jurisdiction of such court, or by the part owner or consignee, or by the agent of
20 the owner, or by any certificated mate, or by one third or more of the crew of such ship, and upon proof on oath to the satisfaction of such court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there be no
25 owner or agent of the owner or consignee of the ship within the jurisdiction of the court, then without such consent, appoint a new master in his stead; and may also make such order, and may require such security in respect of costs in the matter, as it thinks fit.

Power of Admiralty courts to remove master.
1854, s. 240.

- 271.** If at any time it appear to the Board of Trade that any
30 master, mate, or engineer possessing a certificate of competency or service, whether granted in the United Kingdom or in any British possession, is from incompetency or misconduct unfit to discharge his duties, or if at any time it appear to the Board of Trade that any casualty happening to or on board of or caused by any British ship
35 has been wholly or in part occasioned by the negligence, incompetency, or misconduct of any master, mate, or engineer possessing a certificate of competency or service, the said Board may cause inquiry to be made into the conduct of such master, mate, or engineer.

Inquiry into the incompetency or misconduct of a master or officer.
1854, s. 241.
1854, s. 438.
25 & 26 Vict. c. 63, ss. 23, 24.

- 40 The inquiry shall be held by two justices at such place as the Board of Trade deem most convenient.

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The Board of Trade shall before the commencement of the inquiry furnish to every master, mate, or engineer whose conduct is in question a statement of the case upon which the inquiry is instituted.

The justices shall upon the conclusion of the inquiry send to the Board of Trade a report containing a full statement of the case and their opinion thereon, and such report of and extracts from the evidence as the justices think fit.

The justices may, if they think fit, require the master, mate, or engineer whose conduct is in question to deliver up his certificate, and shall hold such certificate till the close of the inquiry, and shall then either restore or cancel or suspend the same according to their judgment on the case; and if any master, mate, or engineer fails to deliver up his certificate when required as aforesaid, he shall incur a penalty not exceeding one hundred pounds; but the Board of Trade may, if at any time after the conclusion of the inquiry it is made to appear to the said Board that a certificate so cancelled or suspended ought to be renewed or restored, renew or restore the same accordingly, on such terms as they think fit.

The Board of Trade may exercise the like power of renewing and restoring the certificate of any master, mate, or engineer where the same has been cancelled or suspended by any competent authority in any British possession in consequence of any inquiry into such conduct of any master, mate, or engineer held in such possession.

Special
assessors.
1854, s. 434.
25 & 26 Vict.
c. 63, s. 23.

272. Where nautical or engineering skill and knowledge are required for the purposes of any such inquiry into conduct, the judge of the High Court of Admiralty shall, at the request of the Board of Trade, or of the justices by whom the inquiry is to be held, or at the request and cost of any other party to the inquiry, appoint some person or persons of nautical or engineering skill and knowledge to act as special assessor or assessors in such inquiry; and such assessor or assessors shall upon the conclusion of the case sign the report, or if he or they dissent therefrom shall signify such dissent and the reasons for the same to the said Board.

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When assessors are appointed, the certificate of a master, mate, or engineer shall not be cancelled or suspended without the consent of one assessor at the least.

Power to
compel at-
tendance of
witnesses,
&c.

273. The justices holding any such inquiry shall, in addition to their ordinary powers, have all the powers by this Act conferred upon inspectors appointed by the Board of Trade.

40

PART II.
Masters and Seamen.

Costs and expenses of inquiry.

274. The justices holding any such inquiry may make such order with respect to the costs and expenses thereof as they may think just; and such order shall, on the application of any party entitled to the benefit of the same to any superior court or a judge thereof, be enforced by such court or judge as if the order had been made by such court or judge.

275. The justices holding any such inquiry may allow to any master, mate, or engineer whose certificate has been surrendered, and has not been suspended or cancelled, a reasonable compensation for loss of time and expenses, to be paid by the Board of Trade.

Compensation, &c. payable by Board of Trade.

The Board of Trade may also, if in any case they think fit, pay all or any part of the expenses of such inquiry, and may pay to the justices holding the same, and to any assessors appointed as hereinbefore provided, such remuneration as the said Board may, with the consent of the Treasury, appoint.

Any compensation, expenses, or remuneration paid by the Board of Trade under this section shall be paid out of moneys to be provided by Parliament for the purpose.

276. Where any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offences, (that is to say,)

Offences of seamen and apprentices and their punishments. 1854, s. 243.

(1.) Takes any ship out of the authority of the master, or conspires or endeavours to take a ship out of the authority of the master;

Mutinous conduct. 11 & 12 W. 3. c. 7. s. 9.

(2.) Confines the master of his ship when on the high seas, or conspires or endeavours to confine him;

(3.) Makes or conspires or endeavours to make a revolt on board any ship when on the high seas;

he shall be deemed to be guilty of mutiny, and shall for each offence be liable on conviction to be sentenced to penal servitude for a period not exceeding years.

And where any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offences, he shall be liable to be punished summarily as follows; (that is to say,)

(1.) For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the court,

Desertion.

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Seamen.*

to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him :

Neglecting or refusing to join, or to proceed to sea, absence within twenty-four hours before sailing, and absence without leave.

- (2.) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute :

Quitting without leave before ship is secured.

- (3.) For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security he shall be liable to forfeit out of his wages a sum not exceeding one month's pay :

Act of disobedience.

- (4.) For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding ten days pay :

Continued disobedience.

- (5.) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of such disobedience or neglect either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute :

Assault on officers.

- (6.) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and to forfeit ten days pay :

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*Masters and Seamen.*Combining
to disobey,
&c.

5 (7.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and to forfeit all wages due to him :

10 (8.) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour :

Wilful
damage and
embezzle-
ment.

15 (9.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage ; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further
20 remedy.

Act of
smuggling
causing loss
to owner.

25 277. Upon the commission of any of the said offences, an entry thereof shall be made in the official log book, and shall be signed by the master and also by the mate or one of the crew ; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit ; and a statement that a copy of the said entry has been
30 so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid ; and in any subsequent legal proceeding the entries herein-before required shall, if practicable, be produced or proved, and in default of such production or proof the
35 court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Entry of
offences to
be made in
official log,
and to be
read over or
a copy given
to the
offender,
and his
reply, if
any, to be
also entered.
1854, s. 244.

40 278. Whenever, in any summary legal proceeding between the master or owner of any ship on the one hand and any seaman or apprentice belonging to such ship on the other, it is alleged that such ship is by reason of unseaworthiness, over loading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, the court having cognizance of the case may, and

Survey
of ships
alleged by
seamen
to be un-
seaworthy.

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if required by either party, shall call upon some person appointed in that behalf by the Board of Trade to survey such ship or to answer any question concerning her which the court may think fit to put to him, and if there is no such person at or near the place the justice or justices shall apply to the Board of Trade, and the Board of Trade shall thereupon direct one of their surveyors to proceed to the place, and in every such case the surveyor so called upon or directed shall survey the said ship and shall make his report in writing to the court, and such report shall be communicated to the parties by the clerk to the justices, and shall be received as evidence in the said proceedings, and shall be accepted as *prima facie* evidence of the facts therein stated, and the court shall determine the question before them in accordance with the opinions expressed in such report unless it is proved to the satisfaction of the court that such opinions are ill founded, and every such surveyor shall for the purpose of the said survey have the powers given to inspectors by this Act, and shall be paid such sum for expenses, if any, as the court may direct, and such expenses shall be accounted for by the surveyor in such manner as the Board of Trade may direct.

In any such legal proceeding in which it is alleged that the ship is not in a proper condition to proceed to sea either party to the proceedings shall be deemed a competent witness.

Where in any such proceeding it is proved to the satisfaction of the court having cognizance of the case that the ship is unfit to proceed to sea the costs of the survey shall be a charge on the ship; and where it is proved that the ship is fit to proceed to sea the costs of the survey shall be paid out of the mercantile marine fund, and may be recovered by the Board of Trade out of the wages of any seaman or apprentice upon whose demand or in consequence of whose allegation the survey was made.

Seamen
whom
masters of
ships are
compelled to
convey, and
persons
going in
ships with-
out leave,
to be subject
to penalties
for breach of
discipline.
1854, s. 245.

279. Every seafaring person whom the master of any ship is, under the authority of this Act or of any other Act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or
owner may
apprehend

280. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to

join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee may, in any place in Her Majesty's dominions, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, and also at any place out of Her Majesty's dominions, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

281. Whenever any seaman or apprentice is brought before any court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Deserters
may be sent
on board in
lieu of being
imprisoned.
1854, s. 247.

282. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are

Seamen
imprisoned
for desertion
or breach of
discipline
may be sent
on board
before ter-
mination of
sentence.
1854, s. 248.

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required on board his ship, any justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived. 5

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.
1854, s. 249.

283. In all cases of desertion from any ship in any place abroad the master shall produce the entry of such desertion in the official log book to the person or persons hereby authorized to grant certificates for the discharge or leaving of seamen abroad; and such person or persons shall thereupon make and certify a copy of such entry; and if such person is a public functionary he shall, and in other cases the said master shall, forthwith transmit such copies to the registrar general of seamen in England; and the said registrar shall, if required, cause the same to be produced in any legal proceeding; and such copies, if purporting to be so made and certified as aforesaid, and certified to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing. 10 15 20

Facilities for proving desertion, so far as concerns forfeiture of wages.
1854, s. 250.

284. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions herein-before contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship. 25 30 35

Costs of procuring imprisonment may be deducted from wages.
1854, s. 251.

285. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to such seaman to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. 40

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Amount of forfeiture, how to be ascertained when seaman contract for the voyage.

1854, s. 252.

286. Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited the forfeiture shall extend to the whole wages or share.

287. All clothes, effects, wages, and emoluments which, under the provisions herein-before contained, are forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and in all other cases of forfeiture of wages under the provisions herein-before contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures.

1854, s. 253.

288. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Questions of forfeitures may be decided in suits for wages.

1854, s. 254.

289. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding five pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Penalty for false statement as to last ship or name.

1854, s. 255.

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Fines to be
deducted
from wages
and paid to
superinten-
dent.
1854, s. 256.

290. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log book in cases where such log book is directed by this Act to be kept, and a copy of such entry shall be furnished, or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions herein-before specified with respect to the offences against discipline specified in and punishable under this Act. 5 10

Such fine shall be deducted and paid over as follows; (that is to say,) if the offender is discharged in the United Kingdom, and the offence and such entries in respect thereof as aforesaid are proved to the satisfaction of the superintendent before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such superintendent. 15

If before the final discharge of the crew in the United Kingdom any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged abroad, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book, (if any) and signed by such officer or other person; and on the return of the ship to the United Kingdom the master or owner shall pay over such fine to the superintendent before whom the crew is discharged. 20 25

If any master or owner neglects or refuses to pay over any such fine in manner aforesaid he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him. 30

No act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act. 35

Penalty for
enticing to
desert and
harbouring
deserters.
1854, s. 257.

291. Every person who by any means whatever persuades or attempts to persuade any seaman, or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, or who prevents or attempts to prevent any seaman or apprentice from joining or proceeding to sea in his ship, shall for each such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds; and every 40

person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall
5 for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding twenty pounds.

292. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of such ship, or of any other
10 person entitled to give such consent, shall incur a penalty not exceeding twenty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

Penalty for obtaining passage surreptitiously.
1854, s. 258.

293. If during the progress of a voyage the master is superseded or for any other reason quits the ship, and is succeeded in the com-
15 mand by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in
20 the official log a list of the documents so delivered to him.

On change of masters, documents hereby required to be handed over to successor.
1854, s. 259.

Naval and Consular Courts on the High Seas and Abroad.

294. Any officer in command of any ship of Her Majesty on any foreign station, or any consular officer, may summon a court, to be termed a "naval court," in the following cases; (that is to say,)

- 25 (1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any British ship, or by any certificated mate, or by one or more of the seamen belonging to any such ship:
- 30 (2.) Whenever the interest of the owner of any British ship or of the cargo thereof, or the interest of the insurer of such ship or cargo, appears to such officer to require it:
- 35 (3.) Whenever any British ship is wrecked or abandoned or otherwise lost at or near the place where such officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrives at such place.

Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.
1854, s. 260.

295. Every such naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below
40 the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the
[267.] N 2

Constitution of such courts.
1854, s. 261.

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naval service of Her Majesty, consular officers, masters of British merchant ships, or British merchants; and such court may include the naval or consular officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular officer in such court, if there is only one such officer in the court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of such court. 10

General
function and
mode of
action of
such courts.
1854, s. 262.

296. Every such naval court shall hear and investigate the complaint or other matter brought before it, or the cause of the wreck or abandonment (as the case may be), and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths, and order the production of documents, and shall conduct the investigation in such manner as to give any person against whom any charge is made an opportunity of making a defence. 15

Powers of
such courts.
1854, s. 263.
To supersede the
master.

297. Every such naval court may, after hearing the case, exercise the following powers; (that is to say,)

(1.) It may, if unanimous that the safety of the ship or crew or the interest of the owner or insurer absolutely requires it, supersede the master, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship, if then at the place: 20 25

To cancel,
&c. certificate.

(2.) It may cancel or suspend the certificate of any master, mate, or engineer; but if it is made to appear to the Board of Trade that any certificate, so cancelled or suspended ought to be renewed or restored, the said board may renew or restore the same accordingly upon such terms as they think fit: 30

To discharge
a seaman.
To forfeit
wages.

(3.) It may discharge any seaman from his ship:

(4.) It may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner or to be paid into the receipt of Her Majesty's Exchequer in the same manner as other penalties and forfeitures under this Act: 35

To decide
disputes as
to wages,
&c.

(5.) It may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings: 40

To direct
costs of
imprison-

(6.) It may direct that all or any of the costs incurred by the master or owner or insurer of any ship in procuring the

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ment to be paid out of wages.
To send home offenders for trial.

18 & 19 Vict.
c. 91. s. 18.

- imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned :
- 5 (7.) It may exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as are by this Act given to British consular officers :
- 10 (8.) It may hear a charge against the master or any of the crew of a ship for any offences against this Act, in respect of which two justices would, if the case were tried in the United Kingdom, have power to convict summarily, and may, by order duly made, inflict the punishments for such offences which two justices might in the case aforesaid
- 15 inflict upon summary conviction, subject to this condition, that in cases where an offender is sentenced to imprisonment the sentence shall be confirmed in writing by the senior naval or consular officer present at the place where the court is held, and the place of imprisonment, whether
- 20 on land or on board ship, shall be approved by him as a proper place for the purpose, and copies of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station :
- 25 (9.) It may order the costs of the proceeding before it (if any), or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby ; and any cost or compensation so
- 30 ordered shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from his wages :

To order payment of costs, &c.

And all orders duly made by any such court under the powers hereby

35 given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.

298. It shall be lawful for any naval court to order any person to be removed from such court who interrupts the business of the court, or refuses to obey the lawful orders of the court ; and it shall be

40 the duty of any person to whom such order is given to obey such order, and for that purpose such person shall have the same power and authorities, and be entitled to the same protection, as if he were a constable in England.

Removal from court of persons interrupting proceedings.

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Orders to be entered in official log. 1854, s. 264.
Report to be made of proceedings of naval courts. 1854, s. 265.

299. All orders made by any such naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and shall be signed by the president of the court.

300. Every such naval court shall make a report to the Board of Trade, containing the following particulars; (that is to say,)

- (1.) A statement of the proceedings, with the order made by the court, and a report of the evidence:
- (2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such court: 10
- (3.) If summoned in order to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of such wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require: 15

And every such report shall be signed by the president of the court; and every document purporting to be such a report and to be so signed as aforesaid shall, if produced out of the custody of some officer of the Board of Trade, be deemed to be such report, unless the contrary is proved, and shall be received in evidence. 20

Penalty for preventing complaint or obstructing investigation. 1854, s. 266.

301. Any person who wilfully and without due cause prevents or obstructs the making of any such complaint as last aforesaid, or the conduct of any case or investigation by any naval court, shall for each such offence incur a penalty not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any 25 period not exceeding twelve weeks.

Registration of and Returns respecting Seamen.

Establishment of register office. 1854, s. 271.

302. There shall be in the port of London an office, to be called the "General Register and Record Office of Seamen," and the Board of Trade shall have control over the same, and may appoint and 30 from time to time remove a Registrar General, and such assistants, clerks, and servants as may be necessary; and may from time to time, with the consent of the Treasury, regulate their salaries and allowances; and such salaries and allowances, and all other necessary expenses, shall be paid by the Treasury out of monies to be granted 35 by Parliament for that purpose.

The Board of Trade may direct the business of the register office at any of the outports to be transacted at the mercantile marine office there as part of the business of such office, and such business shall thereupon be conducted accordingly, but shall in all 40 cases be subject to the immediate control of the Board of Trade.

Lists to be made for all ships containing certain particulars.
1854, s. 273.

303. The master of every foreign-going ship of which the crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the same is registered, shall make out and sign a list in a form sanctioned by the Board of Trade, containing the following particulars; (that is to say,)

- (1.) The number and date of the ship's register, and her registered tonnage:
- (2.) The length and general nature of the voyage or employment:
- 10 (3.) The christian names, surnames, ages, and places of birth of all the crew, including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:
- 15 (4.) The names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times places, causes, and circumstances thereof:
- (5.) The names of any members of the crew who have been maimed or hurt, with the times, places, causes, and circumstances thereof:
- 20 (6.) The wages due to any of the crew who have died at the times of their respective deaths:
- (7.) The clothes and other effects belonging to any of the crew who have died, with a statement of the manner in which they have been dealt with, and the money for which any
- 25 of them have been sold:
- (8.) The name, age, and sex of every person, not being one of the crew, who dies on board, with the date and the cause thereof:
- (9.) Every birth which happens on board, with the date thereof, the sex of the infant, and the names of the parents:
- 30 (10.) Every marriage which takes place on board, with the date thereof, and the names and ages of the parties:
- (11.) Such other particulars as the Board of Trade may require.

304. The master of a foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, or in the case of a running agreement at the expiration of the time for which the agreement was made, deliver to the superintendent of a mercantile marine office before whom the crew is discharged such list as herein-before required, and if he fail so to do shall for every default incur a penalty not exceeding five pounds; and such superintendent shall thereupon give to the master a certificate of such delivery; and no officer of customs

Lists for foreign-going ships to be delivered to shipping master on arrival.
1854, s. 274.

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shall clear inwards any foreign-going ship without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Lists to be
delivered
by country
ships half-
yearly.
1854, s. 275.
s. 109.

305. The master or owner of every sea-going ship, not being a foreign-going ship, shall on the thirty-first of March, the thirtieth 5 of June, the thirtieth of September, and the thirty-first of December in each year, or within the expiration of ten days from such dates respectively, transmit or deliver to some superintendent of a mercantile marine office in the United Kingdom a list of his crew for the preceding three months, in such form and containing such 10 matters as the Board of Trade may from time to time prescribe, and shall in default incur a penalty not exceeding five pounds; and such superintendent shall give to the master or owner a certificate of such transmission or delivery; and no officer of customs shall grant a clearance or transire for any coasting ship without the production 15 of such certificate, and any such officer may detain any such ship until the same is produced.

Lists to be
sent home in
case of
transfer of
ship and in
case of loss.
1854, s. 276.

306. If any ship, being a foreign-going ship, ceases, by reason of transfer or ownership or change of employment, to fall within the definition of a foreign-going ship, or, being a coasting ship, by the 20 like reason ceases to fall within the definition of a coasting ship, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere within three months, deliver or transmit to the superintendent at the port to which the ship has belonged such list as herein-before mentioned, 25 duly made out to the time at which she ceased to be a foreign-going or coasting ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine 30 office at the port to which the ship belonged such list as herein-before mentioned duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

Superinten-
dents and
other officers
to transmit
documents to
registrar.
1854, s. 277.

307. Superintendents of mercantile marine offices and officers of 35 customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, 40 and shall, if required, produce them for any of such purposes, and shall then transmit them to the Registrar General of Seamen, to be

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Registrar to permit inspection, to produce originals, and give copies.

by him recorded and preserved for such time and in such manner as the Board of Trade direct; and the said registrar shall, on payment of a moderate fee to be fixed by the Board of Trade, or without payment of any fee if the Board of Trade so directs, allow any person to inspect the same; and in cases in which the production of the original of any such document in any court of justice or elsewhere is essential, the registrar shall produce the same, and in other cases shall make and deliver to any person requiring it a certified copy of any such document or of any part thereof; and every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

308. The following rules shall be observed with respect to the delivery of documents to British consular officers in the case of ships not included in any of the classes specified in the sixth schedule hereto; (that is to say,)

Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs. 1854, s. 279. 25 & 26 Vict. c. 63. s. 13.

(1.) Whenever any ship, in whatever part of Her Majesty's dominions the same is registered, (except ships whose business for the time being is to carry passengers) arrives at any foreign port where there is a British consular officer or officer exercising the functions of a superintendent of a mercantile marine office, or at any port in any British possession abroad, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to such consular or other officer the agreement with the crew, and also all indentures and assignments of apprenticeships, or, in the case of a ship belonging to a British possession, such of the said documents as such ship is provided with :

(2.) Such officer shall keep such documents during the ship's stay in such port, and, in cases where any indorsements upon the agreement are hereby required shall duly make the same, and shall return the said documents to the master a reasonable time before his departure, with a certificate indorsed on the agreement, stating when the same were respectively delivered and returned :

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, such officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the Registrar General of Seamen :

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And if any master fail to deliver any such document as aforesaid he shall for every such default incur a penalty not exceeding twenty pounds; and in any prosecution for such penalty it shall lie upon the master either to produce the certificate required by this section, or to prove that he duly obtained the same, or that it was impracticable for him so to do. 5

Official Logs.

Official logs
to be kept in
form sanc-
tioned by
Board of
Trade.

1855, s. 280.
25 & 26 Vict.
s. 13.

Entries to
be made in
due time.

1854, s. 281.

309. The Board of Trade shall sanction forms of official log books, which may be different for different classes of ships, so that each such form contains blanks for the entries by this Act required; and an official log of every foreign-going ship not included in the sixth schedule hereto shall be kept in the appropriate sanctioned form. 10

310. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival. 20

Entries re-
quired in
official log.
1854, s. 282.

Convictions.

Offences.

Punish-
ments.

Conduct, &c.
of crew.

Illnesses and
injuries.

Deaths.

Births.

311. Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters; (that is to say,)

- (1.) Every legal conviction of any member of his crew, and the punishment inflicted: 25
- (2.) Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as herein-before required: 30
- (3.) Every offence for which punishment is inflicted on board, and the punishment inflicted: 35
- (4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars: 35
- (5.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any): 35
- (6.) Every case of death happening on board, and of the cause thereof: 40
- (7.) Every birth happening on board, with the sex of the infant and the names of the parents:

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Marriages.

Quitting ship.

Wages of men entering navy.

Wages of deceased seamen.

Sale of deceased men's effects.

Collisions.

Entries how to be signed.
1854, s. 283.Penalties in respect of official logs.
1854, s. 285.

(8.) Every marriage taking place on board, with the names and ages of the parties :

(9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof :

(10.) The amount of wages due to any seaman who enters Her Majesty's service during the voyage :

(11.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom :

(12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it :

(13.) Every collision with any other ship, and the circumstances under which the same occurred.

312. The entries hereby required to be made in official log books shall be signed as follows ; that is to say, every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any) ; and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies shall be signed by the master and by the mate and some other member of the crew ; and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service.

313. The following offences in respect of official log books shall be punishable as herein-after mentioned ; (that is to say,)

(1.) If in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or, where there is no such specific penalty, a penalty not exceeding five pounds :

(2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding thirty pounds :

(3.) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully

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makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor.

Entries in
official logs
to be received
in evidence.
1854, s. 285.

314. All entries made in any official log book as herein-before 5 directed shall be received in evidence in any proceeding in any court of justice.

Official logs
to be delivered
to ship-
ping master.
1854, s. 286.

315. The master of a foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first 10 happens, or in the case of a running agreement on the termination of the agreement, deliver to the superintendent of a mercantile marine office before whom the crew is discharged the official log book of the voyage; and every master or owner who refuses or neglects to deliver his official log book as hereby required shall 15 be subject to the same consequences and liabilities to which he is hereby made subject for the non-delivery of the list of his crew herein-before mentioned.

Official logs
to be sent
home in case
of transfer of
ship, and in
case of loss.
1854, s. 287.

316. If any foreign-going ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a 20 foreign-going ship the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within three months, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the official log book (if any) duly made out to the time at which she 25 ceased to be a foreign-going ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged 30 the official log book (if any) duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

East Indies and Colonies.

Provisions of
Act, as ap-
plied by East
Indian and
Colonial
Govern-
ments to
their own
ships, may
be enforced

317. If the Governor General of India in Council, or the re- 35 spective legislative authorities in any British possession abroad, by any acts, ordinances, or other appropriate legal means, apply or adapt to any British ships registered at, trading with, or being at any place within their respective jurisdictions, and to the owners, masters, mates, and crews thereof, any of the provisions in the third 40 part of this Act contained which do not now without such applica-

tion or adaptation extend to such ships, owners, masters, mates, and crews, such provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the ships and persons to which the same are applied be enforced, and penalties
5 and punishments for the breach thereof shall be recovered and inflicted throughout Her Majesty's dominions, in the same manner as if such provisions had been hereby so adopted and applied, and such penalties and punishments had been hereby expressly imposed.

318. Every Act, ordinance, or other form of law to be passed or
10 promulgated by the Governor General of India in Council, or by any other legislative authority, in pursuance of this Act, shall respectively be subject to the same right of disallowance or repeal, and require the same sanction or other Acts and formalities, and be subject to the same conditions in all respects, as exist and are
15 required in order to the validity of any other Act, ordinance, or other form of law passed by such Governor General in Council or other legislative authority respectively.

East Indian
and colonial
Acts to be
subject to
disallowance
and require
sanction as
in other
cases.
1855, s. 289.

319. If in any matter relating to any ship or to any person be-
longing to any ship there appears to be a conflict of laws, then, if
20 there is in the third part of this Act any provision on the subject which is hereby expressly made to extend to such ship, the case shall be governed by such provision, and if there is no such provision the case shall be governed by the law of the place in which such ship is registered.

Conflict of
laws.
1854, s. 290

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PART III.

SAFETY AND PREVENTION OF ACCIDENTS.

Regulations for preventing Collision.

Enactment
 of regula-
 tions con-
 cerning
 lights, fog
 signals, and
 sailing rules
 in schedule
 (12).

25 & 26 Vict.
 c. 63. ss. 25,
 57.

320. The regulations for preventing collision contained in the twelfth schedule to this Act shall be of the same force as if they were enacted in the body of this Act, and shall apply to all British ships, including ships belonging to Her Majesty, and to all foreign ships when within British jurisdiction; but Her Majesty may from time to time, on the joint recommendation of the Admiralty and Board of Trade, by Order in Council, annul or modify any of the said regulations, or make new regulations in addition to or in substitution for the same or any of them, and any modifications or new regulations so made shall be of the same force as the regulations in the said twelfth schedule.

Application
 of regula-
 tion in
 schedule 12.

321. The said regulations for preventing collision, and the provisions of this Act relating to collisions shall apply to all British ships, including ships belonging to Her Majesty, and to all foreign ships when within British jurisdiction.

Regulations,
 when adopt-
 ed by a
 foreign
 country, may
 be applied to
 its ships on
 the high seas.
 25 & 26 Vict.
 c. 63. s. 58.

322. Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that the said regulations for preventing collision or any of them, or any provisions of this Act relating to collisions, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that such regulations and provisions shall apply to the ships of the said foreign country, whether within British jurisdiction or not.

Regulations
 to be pub-
 lished.
 25 & 26 Vict.
 c. 63. s. 26.

323. The Board of Trade shall cause the regulations in the twelfth schedule to this Act, and any Order in Council relative thereto, for the time being in force, to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the Gazette in which any such Order in Council is published, or of a copy of any such regulations or Order in Council, signed or purporting to be signed by one of the secretaries or assistant secretaries of the Board of Trade, or sealed or purporting to be sealed with the seal of the Board of Trade, shall be sufficient evidence that such regulations or Order in Council, as the case may be, were duly made, and of the contents of the same.

Owners and
 masters
 bound to
 obey them.
 25 & 26 Vict.
 c. 63. s. 27.

324. All owners and masters of ships to which the said regulations apply, shall be bound to take notice of all such regulations

and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights, and to use no other fog signals, than such as are required by the said regulations ; and in case of wilful default on board any such ship, the master, or
5 the owner of the ship if it appear that he was in fault, shall, for each occasion upon which such regulations are infringed, be deemed to be guilty of a misdemeanor.

325. In case any damage to person or property arises from the non-observance by any ship of any regulation for preventing collision made by or in pursuance of this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

Breaches of regulations to imply wilful default of persons in charge.
25 & 26 Vict. c. 63. s. 28.

326. If in any case of collision it appears to the court before which the case is tried that such collision was occasioned by the non-observance of any regulation made by or in pursuance of this Act, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the
20 court that the circumstances of the case made a departure from the regulation necessary.

If collision ensues from breach of the regulations, ship to be deemed in fault.
25 & 26 Vict. c. 63. s. 29.

327. The following steps may be taken in order to enforce compliance with the regulations for preventing collision ; that is to say,

Inspection for enforcing regulations.
25 & 26 Vict. c. 63. s. 30.

(1.) The surveyors appointed under this part of Act, or such other
25 persons as the Board of Trade may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights, and with the means of making fog signals, in pursuance of the said regulations, and shall for that purpose have the powers given to
30 inspectors by this Act :

(2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner, or to some agent of the owner, notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in
35 order to remedy the same :

(3.) Every notice so given shall be notified in such manner as the Board of Trade may direct to the collector or collectors of customs at any port or ports from which such ship may seek to clear, or at which her transire is to be obtained ; and any collector to whom such notification
40 is made shall detain such ship unless a certificate under the hand of one of the said surveyors or other persons

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appointed by the Board of Trade as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations.

The owner of any ship to whom notice of a deficiency has been given by a surveyor under this section shall pay for each inspection of such ship by a surveyor subsequent to the giving of such notice until the deficiency is made good such fee, not exceeding one pound, as the Board of Trade may direct.

Such fee shall be paid to such person as the Board of Trade may direct and such fee, together with any travelling or other expenses incurred by any surveyor in the matter, shall be recoverable summarily by the surveyor from the owner of such ship.

Rules for
 harbours
 under local
 Acts to con-
 tinue in
 force.
 25 & 26 Vict.
 c. 63. s. 31.

328. Any rules concerning the lights or signals to be carried by vessels navigating solely within the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such vessels, which have been or are hereafter made by or under the authority of any local act, shall continue and be of full force and effect, notwithstanding anything in this Act or in the twelfth schedule thereto contained.

In harbours
 and rivers
 where no
 such rules
 exist they
 may be
 made.
 25 & 26 Vict.
 c. 63. s. 32.

329. In the case of any harbour, river, or other inland navigation in the United Kingdom for which such rules are not and cannot be made by or under the authority of any local Act, it shall be lawful for Her Majesty in Council, upon application from the harbour authority of such harbour, river, or inland navigation, or, if there is no such harbour trust or body corporate, upon applications from persons interested in the navigation of such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in the twelfth schedule to this Act, notwithstanding anything in this Act or in the said schedule thereto contained.

In case of
 collision one
 ship shall
 assist the
 other.
 25 & 26 Vict.
 c. 63. s. 33.

330. In every case of collision between two ships it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision:

In case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act,

neglect, or default; and such failure shall also, if proved upon any investigation held under this Act, be deemed to be an act of negligence or of misconduct or a default for which his certificate (if any) may be cancelled or suspended.

- 5 **331.** In every case of collision, in which it is practicable so to do, the master shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any). Such entry shall be signed by the master, and also by the mate or one
10 of the crew, and shall be receivable in evidence, and the master in default shall incur a penalty not exceeding twenty pounds.
- Collisions to be entered in official log.
1854, s. 323.

Equipments and Safety.

332. The following requirements shall be complied with in the case of all British ships; that is to say,

- 15 (1.) Every sea-going ship shall be provided with lights, and with the means of making fog signals, as required by the said regulations for preventing collision :
- Seaworthiness and equipments.
Lights.
- 20 (2.) Every sea-going ship shall be provided with a scale of feet showing her draft of water, accurately cut, painted, or otherwise legibly marked on her stem and stern :
- Draft of water.
- 25 (3.) Every sea-going ship shall be provided with efficient boats, rafts, or other appliances for saving life, kept at all times fit and ready for use, and supplied with all requisites for use, sufficient in number and of the size and description proper for the service, regard being had to the number of persons carried, the size of the ship, the nature and duration of the voyage, and like circumstances, and with a sufficient number of life buoys and life jackets for use in emergency :
- Boats, &c.
- 30 (4.) Every sea-going ship carrying more than ten passengers shall, besides the boats, rafts, other appliances, life buoys, and life jackets aforesaid, be provided with a lifeboat, or a sufficient number of lifeboats, kept at all times fit and ready for use, and supplied with all requisites for use :
- Lifeboats.
- 35 (5.) Every sea-going ship built wholly or partly of iron shall have her compasses properly adjusted from time to time :
- Compasses.
- 40 (6.) Every steam ship shall be provided with a safety valve on each boiler so constructed that the weight thereon cannot be increased when the steam is up, and that the pressure of steam in the boiler cannot be increased beyond a safe and proper

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pressure if ordinary care is used in working the boiler, and if the safety valve is in addition to the ordinary valve it shall be so constructed as to have an area not less and a pressure not greater than the area of and pressure on the ordinary valve :

5

Pumps.

- (7.) Every sea-going steam ship shall be provided with proper pumps and with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship :

Signals of distress.

- (8.) Every sea-going steam ship employed to carry passengers shall be provided with means of making signals of distress as follows :—twelve blue lights or twelve port fires, and one cannon with ammunition for at least twelve charges, or such other means, if any, as the Board of Trade may from time to time approve :

15

Deck passengers.

- (9.) Every coasting steam ship employed to carry passengers by sea shall be provided with such shelter for the protection of deck passengers, if any, as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, and the safety of the ship, as the circumstances of the case may require.

20

If in the case of any British ship navigating or going to or from any place in the United Kingdom, any of the said requirements be not complied with, then and in every such case the following provisions shall have effect :

25

1. The master, unless he shows to the satisfaction of the court before which he is charged that the failure to comply with any of the requirements of this section did not arise through inattention or neglect or wilful default on his part, shall be deemed to be in fault, and shall for every such offence be liable to a penalty not exceeding fifty pounds :
2. The owner shall be deemed to be in fault (whether the master is in the same case to be deemed to be in fault or not), and shall, without prejudice to any other proceeding against him, and in addition to any other liability incurred by him, be liable for every such offence to a penalty not exceeding one hundred pounds, unless he shows to the satisfaction of the court before which he is charged that the failure to comply with any of the requirements of this section did not arise through inattention or neglect or wilful default on his part :
3. If it appears that any person other than the master or owner was in fault, every such person shall be liable to a penalty for each offence not exceeding one hundred pounds :

40

4. In every such case failure to comply with any of the requirements of this section in respect of any one of the particulars of equipments by this section required shall be deemed to constitute a distinct offence, but no person shall incur more than one penalty in respect of the same offence.

5 **333.** If the pressure of steam in the boiler of any steam ship be raised beyond the proper point, which point, in the case of a steam ship surveyed under this Act, shall be deemed to be the point fixed by the surveyor as provided by this Act, then and in every such case the following provisions shall have effect, namely,

Prohibition
of improper
increase of
pressure in
boiler.
1854, s. 302.

10 (1.) The engineer in charge of the machinery for the time being shall, unless he shows to the satisfaction of the court before which he is charged that the act was done without his knowledge, and without inattention or neglect or wilful default on his part, or against his advice, shall be deemed to be in fault, and shall, without prejudice to any other proceeding against him, and in addition to any other liability be liable to a penalty not exceeding one hundred pounds:

15 (2.) If there are more engineers than one in charge of the machinery for the time being, the provisions of this section shall apply to each of them:

20 (3.) If it be shown that the act was done by the direction or with the knowledge of the owner or master, or of any agent of the owner, such owner, master, or agent shall be deemed to be in fault, whether the engineer is in the same case to be deemed in fault or not, and without prejudice to any other proceeding against him, and in addition to any liability incurred by him independently of this section, shall for every such offence be liable to a penalty not exceeding five hundred pounds.

25 **334.** The Board of Trade or any harbour authority may direct any of their own officers, or, with the consent of the Commissioners of Customs, any officer of Customs, to record the draught of water of any seagoing ship upon her leaving any dock, wharf, port, or harbour; and such officer shall thereupon make and keep such record, and shall from time to time forward the same, or a copy thereof, to such persons as the Board of Trade may direct; and such record, or any copy thereof, if produced by or out of the custody of such officer, or of the Board of Trade, or of such harbour authority, shall in any subsequent proceedings be received in evidence and be proof of the draft of water of the ship at the time specified in the record.

Ship's
draught
of water to
be recorded.

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Interpreta-
tion of this
part.
1854, s. 303.

Yearly
survey of
steamers.
1854, s. 304.
Appoint-
ment, &c., of
surveyors.
1854, s. 305.

Power of
surveyors.
1854, s. 306.

Regulations
of Board of
Trade re-
specting
surveys.
1854, s. 307.

Prohibition
of gratui-
ties, &c.
1854, s. 308.

Survey of passenger steamers.

335. In this part of this Act—

The term “passengers” includes persons carried in a steam ship other than the master and crew, and the owner, his family and servants : 5

The term “passenger steamer” includes every British steam ship carrying passengers to or from any place or places or between any places in the United Kingdom, except steam ferry boats working in chains, commonly called steam bridges.

336. Every passenger steamer shall be surveyed once at least in 10 each year in manner in this Act provided.

337. The Board of Trade may from time to time appoint such and so many persons to be surveyors of steamships for such ports, places, or districts as they think fit, and may at any time remove any such surveyor, and may from time to time alter the districts of 15 the surveyors, and appoint and alter their remuneration.

338. A surveyor in the execution of his duty may go on board any steam ship at all reasonable times, and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or the certificate of registry thereof, or any certifi- 20 cate of the master or of any mate or engineer, not unnecessarily detaining or delaying the ship in proceeding on her voyage ; and if, in consequence of any accident to any such ship, or for any other reason, the surveyor considers it necessary to do so, he may require the ship to be taken to dock for the purpose of surveying the hull 25 thereof ; and if any person hinders any surveyor from going on board any steam ship, or otherwise impedes him in the execution of his duty under this Act, he shall for every such offence be liable to a penalty not exceeding five pounds.

339. The surveyors shall execute their duties under the direction 30 of the Board of Trade, and the Board of Trade shall make such regulation as to the manner in which surveys required by this Act are to be made, and the notice to be given by the surveyors when surveys are required, and the amount and payment of any travelling or other expenses incurred by the surveyors in the execution of their 35 duties, and may by such regulations determine the persons by whom and the conditions under which such payment is to be made, and the said expenses shall be recoverable from such persons summarily.

340. If any surveyor demands or receives, directly or indirectly, from the owner or master of any ship surveyed by him under this 40 Act, any fee, remuneration, or gratuity whatever, he shall for every such offence be guilty of a misdemeanor.

10 **341.** The owner of every passenger steamer shall call upon the surveyor or surveyors in his district to survey the same in accordance with this Act. The surveyor or surveyors of any port, district, or place shall survey any passenger steamer which is in such port, district, or place, when called upon to do so by the owner of the steamer; and on completion of such survey such surveyors, or one of them, shall, if satisfied that he or they can with propriety do so, give to the owner a declaration of survey, which shall be in such form as the Board of Trade from time to time direct.

342. The declaration of survey shall contain statements of the following particulars:

- (1.) As to the hull, machinery, tackle, apparel, and equipments of the ship, whether the same are sufficient for the service intended, and in good condition:
- (2.) As to the marking of the draft of water on the stem and stern of the ship, whether the same is correct or legible:
- (3.) As to the lights, signals, compasses, shelter for deck passengers, safety valves, pumps, and fire hose, whether the same are such, and in such condition, as is required by this Act:
- (4.) The time (if less than twelve months) for which the hull, machinery, or equipments, as the case may be, will be sufficient:
- (5.) The limits (if any) beyond which, as regards the hull, machinery, and equipments, or any of them, the ship is not fit to ply:
- (6.) As to the certificates of the master, mate or mates, engineer or engineers, whether the same are such, and in such condition, as is required by this Act:
- (7.) The number of passengers which the ship is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; and such number shall be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the Board of Trade may require:
- (8.) The limit of the weight to be placed on the safety valve.

40 **343.** The owner shall, within fourteen days after the receipt by him of the declaration of survey, transmit the same to the Board of Trade, and in default shall forfeit a sum of ten shillings for every

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day during which the transmission of the declarations, or either of them, is delayed beyond such fourteen days; and such sum shall be recoverable summarily, and shall be applied in the same manner as fees payable for survey under this part of this Act.

Board of
 Trade to
 issue certi-
 ficate.

1854, s. 312.

344. On the receipt of the declaration of survey the Board of Trade shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship, and the transmission of declarations in respect thereof, have been complied with, which certificate shall state, according to the declaration :

- (1.) The limits (if any) beyond which the ship is not fit to ply :
- (2.) The number of passengers which the ship is fit to carry, distinguishing as distinguished in the declaration :
- (3.) The period, if less than twelve months, during which the ship is fit to ply :
- (4.) The date at which the certificate will expire.

Where, according to the terms of the declaration, the hull, equipments, or machinery of the ship is or are sufficient only for a period of less than twelve months, the certificate may be granted for any time within the period for which such hull, machinery, or equipments, as the case may be, is or are declared to be sufficient.

Transmis-
 sion of du-
 plicate
 certificate.
 1854, s. 313.

345. The Board of Trade shall transmit, by post or otherwise, the duplicate certificates to the owner or other person named for the purpose in the declarations of survey; and an entry in the books of the Board of Trade, showing that a duplicate receipt was delivered to such owner or other person, or was transmitted to him through the post office or by messenger, shall be evidence of the receipt thereof by him.

Fees for
 survey.
 1854, s. 314.

346. The owner shall, on application for survey, pay such fees as the Board of Trade appoint, not exceeding those specified in the thirteenth schedule to this Act, and shall pay the same to the superintendent of a mercantile marine office, or otherwise as the Board of Trade may direct, and no surveyor shall proceed with any survey until such fees are paid.

Continuance
 of certifi-
 cates.
 1854, s. 315.

347. A certificate shall not be in force for the purposes of this Act for more than one year from the date of the granting thereof, or such shorter time as may be fixed by the Board of Trade and specified on the certificate, nor after notice is given by the Board to the owner, agent, or master of the ship to which it relates that the Board of Trade have cancelled it; and the Board of Trade may require any certificate that has expired or been cancelled to be

delivered up at such time to such person and in such manner as they direct; and if any owner or master, without reasonable excuse, proof whereof shall lie on him, neglects or refuses to comply in any respect with such requirement, he shall be liable to a penalty
5 not exceeding ten pounds.

348. Notwithstanding anything in this Act, if a passenger steamer be absent from the United Kingdom at the time when her certificate expires, a penalty shall not be incurred for want of a certificate until she first begins to ply with passengers after
10 her next subsequent return to the United Kingdom.

Exception
for steamers
absent.
1854, s. 315.

349. The Board of Trade may cancel a certificate in any case in which they are of opinion—

Cancellation
of certi-
ficate.
1854, s. 316.

1. That the declarations of survey, or either of them, have or
has been made fraudulently or erroneously; that the decla-
15 ration of survey is false or incorrect in any particular; that
the certificate has been issued on false or erroneous informa-
tion; or

2. That since the making of the declaration the hull, equip-
ments, or machinery has or have sustained any injury, or is
20 or are otherwise insufficient.

And in every such case the Board of Trade may, if they think fit, require the owner to have the ship again surveyed, and to transmit a further declaration of survey before they re-issue any certificate or grant a fresh one in lieu thereof.

350. (1.) If any person makes or assists in making or procures to be made any such declaration as aforesaid which is false in any particular or fraudulent, he shall be deemed guilty of a misdemeanor, unless he shows to the satisfac-
25 tion of the court before which he is charged that he did
not know of such falsity, and that he could not with rea-
sonable diligence have obtained such knowledge, or that
30 his intent was not fraudulent:

Punishment
for forgery
of declara-
tion, &c.
1854, s. 320.

(2.) If any person forges or alters, or assists in forging or alter-
ing, or procures to be forged or altered, or offers, utters,
35 disposes of, or puts off, knowing the same to be forged or
altered, any such declaration or certificate, or any word
or figure therein, or signature thereto,

he shall be deemed guilty of a misdemeanor.

351. A passenger steamer shall not proceed to sea or on any voyage
40 or excursion with passengers on board unless the owner has trans-
mitted to the Board of Trade the declarations of survey, and the

Prohibition
of ship pro-
ceeding on
voyage.
1854, s. 318.

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owner or master has received from the Board of Trade the duplicate certificates, the same being applicable to the voyage or excursion on which she is about to proceed; and any officer of customs may detain her until such certificate is produced.

No ship to
carry passen-
gers without
certificate.

352. If a passenger steamer carries passengers to or from or 5
between any place or places in the United Kingdom without such
certificate as is required by this Act, the owner and master shall
each be liable to a penalty not exceeding fifty pounds, and also to
an additional penalty of five shillings for every passenger on board ;
and any officer of customs may detain her until such certificate is 10
produced.

Posting of
certificates in
ship.

1854, s. 317.

353. The owner or master shall, forthwith on the receipt of the
duplicate certificates, cause one of them to be put up in a con-
spicuous part of the ship, so as to be legible to all persons on board,
and shall cause it to be continued so put up as long as it remains 15
in force, and the ship is in use ; and in default the owner and master
shall be liable to a penalty not exceeding forty shillings for every
day on which such certificate is not so put up, unless the master or
owner, as the case may be, prove to the satisfaction of the court
before which he is tried that the default was owing to no fault on 20
his part.

Number of
passengers
to be posted.

354. The owner of every passenger steamer shall cause the number
of passengers authorized to be carried to be legibly engraved or painted
in white letters and figures, not less than inches long and
inches wide, on a black ground, in such two places on board the 25
steamer as the surveyor may select.

If at any time the words and figures hereby required to be legibly
engraved or painted are not so engraved or painted, or are obliterated
or covered over wholly or partly, the master shall be deemed to be
in fault, and shall for every day during which they are so obliterated 30
or covered over incur a penalty not exceeding forty shillings, unless
he prove to the satisfaction of the court before which he is charged
that the obliteration or covering was owing to no fault on his part.

Where any person is convicted of an offence under this section
the court may direct any portion of the penalty inflicted, not exceed- 35
ing one half, to be paid to the person upon whose information the
conviction was obtained.

Passengers
in excess.
1854, s. 319.

355. If the master of any passenger steamer receive on board
thereof, or on or in any part thereof, or if any passenger steamer
has on board thereof, or on or in any part thereof, any number of 40
passengers greater than the number allowed to such steamer, or such

part thereof, by the certificate, the master and also the owner of the steamer, if he be on board, and do not prove to the satisfaction of the court before which he is charged that the event did not happen through his default, shall be liable to a penalty for each offence not exceeding twenty pounds, and also an additional penalty not exceeding five shillings for every passenger over and above the number allowed by the certificate, or if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers over and above such number; and for the purpose of calculating the amount so payable, the fares of all the passengers over and above such number shall be reckoned at the highest rate of fare payable by any passenger on board.

356. Constables and officers of police may at all times enter on board any passenger steam ship and inspect the same, for the purpose of seeing whether the provisions of this Act are observed with respect to the number of passengers to be carried on board such steam ship; and any person who wilfully obstructs or hinders any constable or officer of police when engaged in such inspection shall for each offence be liable to a penalty not exceeding twenty pounds.

Police may inspect passenger steam ships to prevent overcrowding.

Keeping order in Passenger Steamers.

357. For the purpose of keeping order and recovering payment of fares on board certificated passenger steamers (which alone are in this section included in the term "steamers") the following provisions shall have effect:

Offences in connexion with passenger steamers.

1. If any person being drunken or disorderly has been on that account refused admission into a steamer by the owner or any person in his employment, and after having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer:

25 & 26 Vict. c. 63. s. 35.

Attempting to enter.

2. If any person being drunken or disorderly on board a steamer is requested by the owner or any person in his employment to leave the same at any place in the United Kingdom, being a reasonably convenient place for him to leave the same, and having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with such request:

Refusing to leave.

3. If any person on board a steamer, after warning by the master or other officer of the steamer, molests or continues to molest any passenger:

Molesting passengers.

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on board
when full.
Refusing to
quit when
full.

4. If any person, after having been refused admission into a steamer by the owner or any person in his employment on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer : 5
5. If any person having got on board a steamer, on being requested on account of the steamer being full by the owner or any person in his employment to leave the steamer before it has quitted the place at which such person got on board, and having had the amount of his fare, if he has paid it, 10 returned or tendered to him, does not comply with such request :

Not paying
fare.

6. If any person travels or attempts to travel in a steamer without first paying his fare, unless he shows to the satisfaction of the court before which he is charged that he did not do so 15 with intent to avoid payment of his fare or of any part thereof :

Not paying
additional
fare.

7. If any person having paid his fare for a certain distance proceeds in a steamer beyond that distance without first paying the additional fare for the additional distance, unless he shows 20 to the satisfaction of the court before which he is charged that he did so by mistake, and without an intention of avoiding payment of the additional fare or any part thereof :

Not quitting
on arrival.

8. If any person, without reasonable excuse, proof whereof shall 25 lie on him, on arriving in a steamer at the point to which he has paid his fare, does not quit the steamer :

Not show-
ing ticket.

9. If any person on board a steamer who does not, without reasonable excuse, proof whereof shall lie on him, when requested by the master or other officer thereof, either pay his fare or 30 exhibit such ticket or other receipt, if any, showing the payment of his fare as is usually given to persons travelling by and paying their fare on the steamer :

then and in every such case the person so offending shall for every such offence be liable to a penalty not exceeding forty shillings, but 35 this liability shall not prejudice the recovery of any amount payable by him as fare.

Punishment
for injuring
steamer, &c.
25 & 26 Vict.
c. 63. s. 36.

If any person on board a certificated passenger steamer, without reasonable excuse, proof whereof shall lie on him, does or causes to be done anything in such manner as to obstruct or injure 40 any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of her, or otherwise in the execution of their duty on

or about the steamer, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

It shall be lawful for the master or other officer of any duly surveyed passenger steamer, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of this section, and whose name and address are unknown to such officer, and to convey such offender with all convenient despatch before any justice without any warrant or other authority than this Act; and such justice shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

358. The master or any officer of a certificated passenger steamer may refuse to receive on board thereof any person who, by reason of drunkenness, misconduct, or from any other cause, is likely to cause annoyance to passengers on board; or if any such person be on board, the master or officer may put him on shore at any convenient place.

No person refused admittance or put on shore in pursuance of this section shall be entitled to have returned to him any fare he may have paid,

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Manner of
apprehend-
ing offenders.
25 & 26 Vict.
c. 63. s. 37.

Power to
refuse admit-
tance to and
to remove
passengers
who are
drunk or
misconduct
themselves.
1854, ss. 3,
25.

Foreign Passenger Steamers.

359. All foreign steam ships carrying passengers between places in the United Kingdom, with their masters, owners, and crews, shall be subject to all the provisions in this part of this Act contained, as if they were British passenger steamers.

Foreign
steamers
plying in
United
Kingdom
subject to
this part
of this Act.

Accidents.

360. Whenever any steam ship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of such accident or damage, or as soon thereafter as possible, send to the Board of Trade, by letter signed by such owner or master, a report of such accident or damage, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is; and if such owner or master neglect so to do he shall for such offence incur a penalty not exceeding fifty pounds.

Accidents to
steam ships
to be re-
ported to
Board of
Trade.

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Notice to be
be given of
apprehended
loss of steam
ships.

361. If any British steam ship is lost, or if in consequence of her non-arrival or otherwise the owner has reason to believe that any steam ship is lost, the owner shall as soon as conveniently may be send notice thereof to the Board of Trade, and if he neglect so to do within a reasonable time he shall for such offence incur a penalty not exceeding fifty pounds. 5

Carrying dangerous Goods.

Provisions to
prevent
the taking
dangerous
goods on
board with-
out due
notice.

1854, s. 329.
25 & 26 Vict.
c. 63. s. 38.

362. No person shall be entitled to carry in any British ship, or in any foreign ship within the limits of British jurisdiction, or to require the master or owner of any such ship to carry therein, 10
any aquafortis, oil of vitrol, gunpowder, petroleum, or any other goods which, in the judgment of such master or owner, are of a dangerous nature; and if any person carries or sends by any ship any goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same, or other- 15
wise giving notice in writing to the master or owner at or before the time of carrying or sending the same to be shipped, he shall for every such offence incur a penalty not exceeding one hundred pounds.

The master or owner of any ship, British or foreign, may refuse 20
to take on board any parcel that he suspects to contain goods of a dangerous nature, and may require them to be opened to ascertain the fact.

The master or owner of any ship, British or foreign, if he discovers that any goods which have been brought on board are of a 25
dangerous nature, may cause such goods to be thrown overboard; and where any such goods have been thrown overboard in accordance with this section, neither the master nor the owner of the ship shall be liable in respect thereof to any penalty or damages in any legal proceeding in any British court.

30

Chain Cables and Anchors.

Manufac-
turers to
place marks
on anchors.
1854, s. 483.

363. Every manufacturer of anchors shall, in case of each anchor which he manufactures, mark in legible characters on the crown, and also on the shank under the stock, his name or initials, with the addition of a progressive number and the weight of such anchor; 35
and if he makes default in doing so, he shall for each offence incur a penalty not exceeding five pounds.

Power to
corporations,
&c. to pro-
vide proving

364. Any corporation, public body, or company may erect and maintain proving establishments, apparatus, and machinery suitable

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of Accidents.*establish-
ments for
testing chain
cables, &c.
27 & 28 Vict.
c. 27. s. 1.

for the testing of chain cables or anchors, and may, notwithstanding the provisions of any previous Act limiting the amount of money to be raised by such corporation or public body or company, raise money for that purpose by way of loan, secured by mortgage of such
5 establishments, apparatus, and machinery, and of the income to be derived therefrom, or of other property of such corporation, public body, or company: provided always as follows:—

10 (1.) Nothing in this Act shall relieve any corporation or public body from the necessity of obtaining for any borrowing by them under this Act the consent of any authority or person whose consent is by law requisite to any borrowing by them otherwise than under this Act:

15 (2.) Where the consent of any authority or person is not by law requisite to any borrowing by any corporation or public body otherwise than under this Act, the consent of the Commissioners of Her Majesty's Treasury to any borrowing by that corporation or public body under this Act is hereby made requisite:

20 (3.) Nothing in this Act shall empower any company to borrow money under this Act otherwise than in such manner and subject to such restrictions as are prescribed in relation to any borrowing by them for purposes other than the purposes of this Act, and if none are prescribed, then in such manner and under such restrictions as may be prescribed
25 by resolution of the company adopted by three fifths at least of the votes of the shareholders of the company present (personally or by proxy) at a general meeting of the company specially convened for the purpose:

30 (4.) Any mortgage or charge created or to be created under any power existing at the passing of this Act on any property of any such corporation, public body, or company, other than such establishments, apparatus, and machinery as aforesaid, shall have priority over any mortgage created under the powers of this Act on the same property.

35 **365.** The Board of Trade may from time to time grant to any corporation, public body, or company, person or persons erecting any proving establishment, apparatus, and machinery suitable for the testing of chain cables or anchors, licence to test chain cables and anchors under this Act, and the board may suspend or revoke
40 any licence so granted, if the Board shall see occasion; and the expression "tester" in this Act applies to every corporation, public body, or company, person or persons, to whom such licence shall be granted, so long as such licence continues in force; provided that

Power to
the Board of
Trade to
grant li-
cences for
proving
chain cables
and anchors,
and may
suspend or
revoke li-
cences.27 & 28 Vict.
c. 27. s. 2.

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such a licence shall not be granted in any case unless and until the proving establishment, apparatus, and machinery erected have been inspected by an inspector appointed as by this Act provided, and have been certified by him as proper and efficient for their purposes.

5

Board of
 Trade to ap-
 point in-
 spectors from
 time to time.
 27 & 28 Vict.
 c. 27. s. 3.

366. The Board of Trade shall from time to time appoint a fit person to act as inspector of proving establishments, apparatus, and machinery under this Act, and may from time to time, at pleasure, remove from his office any person so appointed; and such inspector shall, in the execution of his duties, conform to any regulations 10 from time to time made by the Board of Trade.

Licences to
 be renewed
 annually.
 27 & 28 Vict.
 c. 27. s. 4.

367. Any licence granted as aforesaid shall be renewable annually, and the same shall not in any case be renewed in any year unless and until the proving establishment, apparatus, and machinery in respect whereof such licence was granted have been 15 inspected by the inspector within that year, and have been certified by him as proper and efficient for their purposes.

Fees payable
 on licences.
 27 & 28 Vict.
 c. 27. s. 5.

368. On the original grant of every such licence, and on every annual renewal of every such licence, there shall be paid such fee, not exceeding fifty pounds, as the Board of Trade from time to time 20 appoint; all such fees shall be paid to the Board of Trade, and shall be by them paid into the receipt of Her Majesty's Exchequer, and be carried to and form part of the Consolidated Fund of the United Kingdom.

As to remun-
 eration of
 inspector.
 27 & 28 Vict.
 c. 27. s. 6.

369. The inspector shall receive such salary and allowances as 25 may from time to time be directed by the Board of Trade, with the consent of the Treasury, out of money to be provided by Parliament for the purpose.

Tester to test
 all cables
 and anchors
 in proper
 order, and
 impress the
 same with
 authorized
 proof mark.
 27 & 28 Vict.
 c. 27. s. 7.

370. Every tester shall, with all reasonable dispatch, subject every chain cable or anchor that shall be brought to the proving 30 establishment of such tester for the purpose of being proved, and (unless the parties interested may otherwise agree) in the order in which such chain cables and anchors respectively shall be so brought, to the same tensile strain as that to which chain cables and anchors respectively of similar size, weight, or description are 35 or shall be subjected before being received for the use of Her Majesty's naval service, and shall stamp every five fathoms in length of every such chain cable, and also every such anchor, with a stamp or die to be provided for that purpose by the tester, and approved by the Board of Trade, denoting that such chain cable or 40 anchor has been "proved," and which shall bear the mark of the tester.

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for testing
and affixing
proof mark.
27 & 28 Vict.
c. 27. s. 8.

371. Every tester may make such charges for the testing and stamping with proof mark any chain cable or anchor as such tester may think fit, not exceeding the scale of charges authorized by the Board of Trade; and such tester shall affix upon some conspicuous
 5 part of the proving establishment a table of the charges so authorized to be taken by such tester; and such table shall be painted upon a board or boards in distinct black letters on a white ground or in white letters upon a black ground, or may be printed in legible characters on paper affixed to such board or boards; and it
 10 shall not be lawful for such tester to make any alteration in such table or in any of the charges therein specified until such alteration has been approved by the Board of Trade, and the tester has caused notice in writing of the intended alteration to be written or printed on paper, and such paper has been, for a period of not less than three
 15 months, affixed to such table, so that the same be clearly legible by all persons who may consult such table.

372. Any tester may detain any chain cable or anchor which has been so tested until such charge is paid; and if such charge be paid within three months after the testing of such chain cable or
 20 anchor, the tester may cause such chain cable or anchor to be sold by auction, and shall out of the purchase money deduct the expenses of such sale, and all other expenses incurred by such tester with respect to such chain cable or anchor, including all lawful charges on the same, and shall pay the surplus thereof (if any), on demand, to
 25 the owner of such chain cable or anchor, or to the captain or master of the vessel, or other person on whose application the chain cable or anchor had been tested.

Power to
tester to de-
tain chain
cable, &c.
27 & 28 Vict.
c. 27. s. 9.

373. When any tester has tested and stamped any chain cable or anchor, such tester shall, if requested by the person on
 30 whose application the same was tested, within one month after such testing, make out and deliver, free of charge, to such person a certificate of such testing.

Tester, on
application,
to give cer-
tificate of
test.
27 & 28 Vict.
c. 27. s. 10.

374. It shall not be lawful for any maker of or dealer in chain cables or anchors to sell or contract to sell for the use of any vessel
 35 any chain cable whatever or any anchor exceeding in weight one hundred and sixty-eight pounds, unless such chain cable or anchor has been previously tested and duly stamped in accordance with the provisions of this Act; and if any person acts in contravention of this provision he shall for every such offence be liable to a penalty
 40 not exceeding fifty pounds.

It shall be
unlawful for
makers and
dealers to
sell unproved
chain cables
and anchors.
27 & 28 Vict.
c. 27. s. 11.

375. If any person stamp or assist in stamping any chain cable or anchor with the stamp of any tester, or with a stamp or

Persons com-
mitting cer-
tain offences
deemed

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guilty of a
 misdemea-
 nor.
 27 & 28 Vict.
 c. 27. s. 12.

mark purporting to be the stamp of any tester, without the authority of the tester whose stamp has been so used or counterfeited, or with any other stamp or mark, for the purpose or with the intention of passing such chain cable or anchor, or of allowing or assisting in the same being passed as a chain cable or anchor duly tested and stamped under the powers of this Act, or if any person, knowing any such chain cable or anchor to have been so wrongfully marked or stamped as aforesaid, sell the same, or deliver the same to any person to be taken or used as part of the equipment of any vessel, or if any person write out and deliver to any person any certificate or document purporting to be a certificate under this Act, that any chain cable or anchor has been tested and stamped under the provisions of this Act, knowing that the chain cable or anchor referred to in such certificate or document had not been so tested or stamped, every person so offending shall be guilty of a misdemeanor. 5 10 15

Act not to
 relieve
 makers from
 responsi-
 bility.

376. No maker of or dealer in chain cables or anchors, ship-owner, or other person, shall by reason of this Act, or of anything done thereunder, be relieved from any responsibility in respect of any chain cable or anchor made, sold, or used by him to which, but for this Act, he would have been subject. 20

Act not to
 affects Ad-
 miralty con-
 tracts.

377. Nothing in this Act shall affect any contracts which may be made by the Lords Commissioners of the Admiralty for the supply of any chain cables or anchors to any of Her Majesty's dockyards or for the use any of Her Majesty's ships. 25

 PART IV.

DELIVERY OF GOODS AND LIEN FOR FREIGHT.

Definitions.

378. In this part of this Act.

The term "owner," used in relation to goods, includes any person who is by this Act liable to pay dues payable in respect of such goods, subject, in the case of a lien, to such lien.

The term "report" means the report required by the customs laws to be made by the master of an importing ship :

The term "entry" means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship :

The term "wharf owner" means the occupier of a wharf :

The term "warehouse owner" means the occupier of a warehouse :

The term "shipowner" includes the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship :

379. Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following :—

Power to shipowner to enter and land goods in default of entry and landing by owner of goods.
 25 & 26 Vict. c. 63.

(1.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed :

(2.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship :

(3.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse :

(4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them on or in some wharf or

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warehouse on or in which goods of a like nature are usually placed; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods :

- (5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner : 5
- (6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on such landing and assortment shall be borne by the shipowner : 10
- (7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing, or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice, in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense. 20 25 30 35

If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue. 25 & 26 Vict. c. 63.

380. If at any time when any goods are landed from any ship, and placed in the custody of any person as a wharf or warehouse owner, the shipowner gives to the wharf or warehouse owner notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, for such charges as they were subject to before the 40

landing thereof; and the wharf or warehouse owner receiving such goods shall retain them until the lien is discharged as herein-after mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

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Freight.*

5 **381.** Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof or of a release of freight from the shipowner, the said lien shall be discharged.

Lien to be discharged on proof of payment.
25 & 26 Vict. c. 63.

10 **382.** The owner of the goods may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged; but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Lien to be discharged on deposit with warehouse owner.
25 & 26 Vict. c. 63.

15 **383.** If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such fifteen days, pay the sum so deposited over to the shipowner, and shall by such payment be discharged from all liability in respect thereof.

Warehouse owner may at the end of 15 days, if no notice is given, pay deposit to shipowner.
25 & 26 Vict. c. 63.

25 **384.** If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does within fifteen days after making it give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprise the shipowner of such notice, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice; and at the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the goods, and shall by such payment be discharged from all liability in respect thereof.

Course to be taken if notice to retain is given.
25 & 26 Vict. c. 63.

385. If the lien is not discharged, and no deposit is made as herein-before mentioned, the wharf or warehouse owner may, and,

After 90 days warehouse owner

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may sell
 goods by
 public
 auction.

25 & 26 Vict.
 c. 63.

Notices of
 sale to be
 given.

25 & 26 Vict.
 63.

Money
 arising from
 sale, how to
 be applied.
 25 & 26 Vict.
 c. 63.

Warehouse
 owner's
 rent and
 expenses.
 25 & 26 Vict.
 c. 63.

if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof as may be necessary 5 to satisfy the charges herein-after mentioned.

386. Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in two newspapers circulating in the neighbourhood, or in one daily newspaper published in London and in one local newspaper, and also, if the address of 10 the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a bonâ fide purchaser of such goods shall 15 not be invalidated by reason of the omission to send notice as herein-before mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

387. In every case of any such sale as aforesaid the wharf or warehouse owner shall apply the money received from the sale as 20 follows, and in the following order :

1. If the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof :
 2. In payment of the expenses of the sale :
 3. In the absence of any agreement between the wharf or ware- 25 house owner and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said goods :
 4. In payment of the amount claimed by the shipowner as due 30 for freight or other charges in respect of the said goods :
 5. But in case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement : 35
- and the surplus, if any, shall be paid to the owner of the goods.

388. Whenever goods are placed in the custody of a wharf or warehouse owner under the authority of this part of this Act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the 40 expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said wharf or warehouse owner are neces-

sary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

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389. Nothing in this part of this Act shall compel any wharf or warehouse owner to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this part of this Act.

Warehouse
owners
protection.
25 & 26 Vict.
c. 63.

390. Nothing in this part of this Act shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this Act take away or diminish any rights or remedies given to any shipowner or wharf or warehouse owner by any local Act.

Saving for
powers
under
local Acts.
25 & 26 Vict.
c. 63.

PART V.

LIABILITY OF SHIPOWNERS.

Application
of Part.17 & 18 Vict.
c. 104. s. 502.Owner not
liable in cer-
tain cases.17 & 18 Vict.
c. 104. s. 503.Limitation of
owners lia-
bility where
no fault or
privity.25 & 26 Vict.
c. 63. s. 54.17 & 18 Vict.
c. 104. s. 506.

391. This part of this Act shall apply to the whole of Her Majesty's dominions:

392. The owner of any sea-going British ship, or of shares therein, shall not be liable to any extent whatever to make good any loss or damage happening on board his ship without his actual fault or privity,—

- (1.) By reason of fire, to any goods, or other things whatsoever:
- (2.) By reason of any robbery, embezzlement, removal, or concealment, to any gold, silver, diamonds, watches, jewels, or precious stones, the true nature and value whereof the owner or shipper of the same has not at the time of shipment declared to the owner or master in the bills of lading or otherwise in writing.

393. The owner of any ship, whether British or foreign, shall not, in cases where all or any of the following events occur without his actual fault or privity, that is to say,—

- (1.) Where any loss of life or personal injury is caused to any person being carried in his ship:
- (2.) Where any damage or loss is caused to any goods, or other things whatsoever on board his ship:
- (3.) Where any loss of life or personal injury is by reason of the improper navigation of his ship caused to any person carried in any other ship or boat:
- (4.) Where any loss or damage is by reason of the improper navigation of his ship caused to any other ship or boat, or to any goods or other thing whatsoever on board any other ship or boat:

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, or other things, to an aggregate amount exceeding fifteen pounds for each ton of his ship's tonnage, nor in respect of loss or damage to ships, goods, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding eight pounds for each ton of his ship's tonnage; but shall be answerable as aforesaid, in respect of every distinct occasion on which any such event or events occur, to the same extent as if no such event had occurred on any other occasion.

For the purposes of this section, the tonnage shall be ascertained as provided in Part I. of this Act, with this exception, that the tonnage shall in the case of steam-ships be the gross tonnage without deduction on account of engine room.

5 **394.** In the cases following, that is to say,—

(1.) Where any liability is alleged to have been incurred in respect of loss of life or personal injury by the owner of any British ship : Proceedings by the Board of Trade in case of loss of life or personal injury. 17 & 18 Vict. c. 104. s. 507.

10 (2.) Where any liability is alleged to have been incurred by the owner of any foreign ship in respect of loss of life by or personal injury to any British subject, and such foreign ship or any of the owners thereof is found in the United Kingdom :

the Board of Trade may, in their discretion, after giving not less than three days notice to the party to be made defendant or defender, require, by warrant, the sheriff having jurisdiction over any place in the United Kingdom to summon a jury at a time and place to be specified in such warrant for the purpose of determining the following question ; (that is to say,)

20 The number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default ;

And upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at such time and

25 place as aforesaid.

395. If either party to the inquiry desire any such question as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, is given to the Board of Trade before they have issued

30 their warrant to the sheriff ; and for that purpose the Board of Trade shall, by their warrant to the sheriff, require him to nominate a special jury for such trial ; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him by them-

35 selves or their attorneys or agents at some convenient time and place appointed by him for the purpose of nominating a special jury ; and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries are required by the laws for the time being in

40 force to be nominated or struck by the proper officers of the superior courts ; and the sheriff shall appoint a day, and shall on the day so appointed proceed to reduce the said special jury to the

Either party may require question to be tried by a special jury. 17 & 18 Vict. c. 104. s. 508.

PART V.
*Liability of
 Shipowners.*

Provisions
 for conduct
 of proceed-
 ings.

17 & 18 Vict.
 c. 104, s. 509.

number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

396. The following provisions shall be applicable to the conduct of proceedings by the Board of Trade; (that is to say,)

- (1.) The sheriff shall preside at such inquiry, and the Board of Trade shall be deemed in England and Ireland to be the plaintiff, and in Scotland the pursuer, both of which terms are herein-after included in the term plaintiff, with power to appoint any agent to act on their behalf, and shall have all such rights and privileges as the plaintiff is entitled to in actions at law; and the owner or owners of the ship or ships by whom such liability as last aforesaid is alleged to have been incurred shall be deemed in England and Ireland to be the defendant, and in Scotland the defender, both of which terms are herein-after included in the term defendant: 5
- (2.) Not less than ten days notice of the time and place of the inquiry shall be served by the Board of Trade on the defendant: 10
- (3.) Service on the master of any ship shall be deemed good service on the owner thereof, and the master shall, in respect of the proceedings on such inquiry, be deemed the agent and representative of the owner, with power to appear for him on such inquiry, and to do all matters and things which he might himself have done: 20 25
- (4.) If the defendant does not appear at the time of such inquiry, the same shall be proceeded with as if he had appeared, upon due proof of service of notice having been made on him in pursuance of this Act: 30
- (5.) The empannelling of the jury and the summoning and attendance of witnesses shall be conducted and enforced in manner provided by the "Land Clauses Acts" in cases of disputed compensation as to land, or as near thereto as circumstances permit; and all provisions in the said Acts having reference to cases where any question of disputed compensation requires to be determined by the verdict of a jury shall, with the requisite alterations, be considered as incorporated with this part of this Act, and to have reference to cases where the question of the liability of any owner in respect of any such accident as aforesaid requires to be determined by the verdict of a jury: 35 40

(6.) In England and Ireland the sheriff shall, if the Board of Trade so require, or if the defendant so requires and the Board of Trade consent thereto, appoint as assessor a barrister-at-law, of competent knowledge and standing :

5 (7.) The master's list or the duplicate list of passengers by any ship delivered to an officer of customs under the provisions of the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863, shall, in the absence of proof to the contrary, be sufficient evidence that the persons named
10 as passengers in such lists respectively were passengers on board such ship at the time of their death or injury :

(8.) The costs incurred by all parties in and incidental to any such inquiry as aforesaid shall in England and Ireland be taxed by the master of one of Her Majesty's superior
15 courts of common law, as between attorney and client, and in Scotland by the auditor of the Court of Session as between agent and client; and shall, if the verdict in any inquiry is in favour of the plaintiff, be paid by the defendant, but if such verdict is in favour of the defen-
20 dant be paid by the Board of Trade :

(9.) The payment of all damages and costs in any such inquiry as aforesaid shall, upon application made to such superior court as aforesaid by the party entitled thereto, be enforced by rule or order of such court or a judge
25 thereof, or otherwise as such court or judge thinks fit :

(10.) The Board of Trade may make any compromise they think fit as to the damages payable in respect of personal injury, or of the death of any person; and any damages received in pursuance of such compromise shall, so far as
30 the same extend, be applied in the same manner and be subject to the same rules as if the same were damages recovered on an inquiry instituted by the Board of Trade.

397. The following rules shall be observed as to the damages recovered in any such inquiry, and the application thereof; (that is
35 to say,) Rules as to damages and application thereof.

(1.) The damages payable in each case of death or injury shall be assessed at thirty pounds : 17 & 18 Vict. c. 104. s. 510.

(2.) The damages found due on any such inquiry as aforesaid shall be the first charge on the aggregate amount for which
40 the owner is liable, and shall be paid thereout in priority to all other claims :

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*Liability of
Shipowners.*

- (3.) All such damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such manner as the Board of Trade direct; and in directing such distribution the Board of Trade shall have power in the first place to deduct and retain 5 any costs incidental thereto; and, in the next place, as regards the sums paid in respect of injuries, shall direct payment to each person injured of such compensation, not exceeding in any case the statutory amount, as the said board think fit; and as regards the sums paid in respect 10 of deaths, shall direct payment thereof for the benefit of the husband, wife, parent, and child of the deceased, or any of them, in such shares, upon such evidence, and in such manner as the said board think fit:
- (4.) The Board of Trade shall refund to the owner any surplus 15 remaining under their control after making such distribution as aforesaid, and the sum so refunded shall form part of the residue herein-after mentioned:
- (5.) The Board of Trade shall not, nor shall any person acting under them, be liable to any action, suit, account, claim, or 20 demand whatsoever, for or in respect of any act or matter done, or omitted to be done, in the distribution of such damages as aforesaid:
- (6.) If the amount paid to Her Majesty's Paymaster General in manner aforesaid is insufficient to meet the demands 25 upon it, the several claims thereon shall abate proportionally.

Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account. 17 & 18 Vict. c. 104. s. 511.

398. After the completion of such inquiry as aforesaid, if any person injured estimates the damages payable in respect of such injury, or if the executor or administrator of any deceased person 30 estimates the damages payable in respect of his death, at a greater sum than such statutory amount, or, in case of a compromise having been made by the Board of Trade, than the amount accepted by them by way of compensation for such injury or death as aforesaid, the person so estimating the same shall, upon repaying or obtaining 35 the repayment by the Board of Trade to the owner of the amount paid by him to the Board of Trade in respect of such injury or death, be at liberty to bring an action for the recovery of damages in the same manner as if no power of instituting an inquiry had hereinbefore been given to the Board of Trade, subject to the following 40 proviso; (that is to say,) that,

(1.) Any damages recoverable by such person shall be payable only out of the residue, if any, of the aggregate amount for which the owner is liable, after deducting all sums paid to Her Majesty's Paymaster General in manner aforesaid; and,

(2.) If the damages recovered in such action do not exceed double the statutory amount, such person shall pay to the defendant in such action all the costs thereof, such costs to be taxed in England and Ireland as between attorney and client, and in Scotland as between agent and client.

399. Where loss of life or personal injury has occurred by any accident in respect of which the owner of any such ship as aforesaid is or is alleged to be liable in damages, and any person has brought any action or instituted any suit or other legal proceeding in the United Kingdom, and the Board of Trade institutes an inquiry under the provisions of this part of this Act, in respect of the subject-matter of such action, suit, or proceeding, such action, suit, or proceeding shall be stayed until after the inquiry is completed, and the damages and costs (if any) recovered on such inquiry shall be payable in priority to the costs and damages recovered in such action, suit, or proceeding :

Effect on actions by individuals of proceedings by Board of Trade.
17 & 18 Vict. c. 104. ss. 512, 513.

Provided that if the person bringing such action or instituting such suit or proceeding has previously served on the Board of Trade a notice of his desire to bring such action, or institute such suit or proceeding, and the Board of Trade does not, within one month after the service of such notice, institute any such inquiry, then

(1.) Such action, suit, or proceeding shall not be stayed if the Board of Trade subsequently institute any such inquiry :

(2.) The damages and costs (if any) recovered in such action, suit, or proceeding shall be payable rateably with and not subsequently to the damages and costs (if any) recovered in such inquiry :

400. Where any liability is alleged to have been incurred by the owner of any British or foreign ship in respect of loss of life, personal injury, or loss of or damage to ships, boats, or goods, and several claims are made or apprehended in respect of such liability, such owner may make application to a court having jurisdiction as herein-after in this section provided to determine the fact and amount of his liability, and such court may, subject to the right by this part of this Act given to the Board of Trade to recover damages within the United Kingdom in respect of loss of life or personal injury, determine such owner's liability, and the

Proceedings where several claims are apprehended.
17 & 18 Vict. c. 104. s. 514.

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Liability of Shipowners.

23 & 24 Vict.
c. 126. s. 35.
24 & 25 Vict.
c. 10. s. 13.

amount thereof, and may distribute such amount rateably among the several claimants, and may stop all actions, suits, and proceedings pending in any other court in relation to the same subject matter, and may for the purposes aforesaid proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks fit.

For the purposes of this section the courts and judges following shall have jurisdiction; that is to say,—

- (1.) In England or Ireland, the High Court of Chancery, or a superior court of common law, or the High Court of Admiralty:
- (2.) In Scotland, the Court of Session:
- (3.) In any British possession, a vice-admiralty court, and any court exercising admiralty jurisdiction.

15

Liability of master and seamen not affected.

17 & 18 Vict.
c. 104. s. 516.

Part owners to account in respect of damages.

17 & 18 Vict.
c. 104. s. 515.

401. Nothing in this part of this Act contained shall be construed to lessen or affect any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman.

20

402. All sums paid for or on account of any event in respect whereof the liability of owners is limited under the provisions of this part of this Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

25

Insurances of certain risks not invalid.

25 & 26 Vict.
c. 63. s. 55.

403. Insurances effected against the happening without the owner's actual fault or privity of any or all of the events in respect of which the liability of owners is limited by this Act shall not be invalid by reason of the nature of the risk.

30

PART VI.

WRECKS, CASUALTIES, AND SALVAGE.

PART VI.
*Wrecks and
Salvage.**Inquiries respecting Casualties to Shipping.*

5 **404.** In this part of this Act the term “salvor,” in the case Definitions.
of salvage services rendered by the officers or crew or part of the
crew of any ship belonging to Her Majesty, means the person in
command of such ship :

405. In case of any of the casualties following, that is to say,— Inquiries by
receivers.

10 (1.) Where any British ship or boat is or has been in distress, or
is lost, stranded, abandoned, or damaged, or has been in 17 & 18 Vict.
collision with any other ship or boat, whether British or c. 104, ss. 432.
foreign; and 448.

15 (2.) Where, within British jurisdiction, any foreign ship or boat
is or has been in distress, or is lost, stranded, abandoned,
or damaged, or has been in collision with any other ship
or boat, whether British or foreign ;

then, if any witness is found in the United Kingdom, the receiver
for the district in or nearest to which the casualty happens, or in
which the witness is found, shall make inquiry respecting such casu-
20 alty, and the causes thereof, and all the circumstances attending the
same, and examine any person belonging to the ship or boat, and
any person able to give an account of the casualty, or of the ship
or boat, her cargo, stores, and tackle, or of the persons on board, or
of the property on board belonging to such persons, and may
25 require the production of the logs or other papers of the ship or
boat.

Such inquiry shall be held in such manner and subject to such
regulations as the Board of Trade from time to time prescribe;
and may, if the Board of Trade think fit, be conducted by some
30 other person appointed by them instead of the receiver, and such
person shall have, for the purpose of such inquiry, the same powers
and authorities and duties as the receiver.

406. The person making such inquiry and examination as Examina-
aforesaid shall examine each witness separately, and shall take tions of wit-
35 down in writing and sign the examinations, and may require the nesses.
witnesses to sign their examinations respectively, and shall make 17 & 18 Vict.
and sign so many copies as he may be required by the Board of Trade c. 104.
to make of the examinations, including any extracts which he ss. 448, 449.
40 of such copies, with his observations, to the Board of Trade, and
shall send another copy to the secretary of the committee for
managing the affairs of Lloyd's in London.

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Any examination so taken as aforesaid, and also any copy thereof purporting to be certified to be a true copy under the hand of the person by whom the examination was taken, shall in all courts and before any person having by law or consent of parties authority to take evidence, be admissible as evidence of all and 5 each of the matters contained therein relative to the casualty and the causes thereof, and the circumstances attending the same, whether such matters were or were not material.

Persons be-
longing to a
British ship
must offer
evidence.

407. Where any such casualty as aforesaid happens in the case of a British ship, each of the persons following; that is to say, 10

(1.) The master, the carpenter, the chief surviving mate, the chief surviving engineer, and in cases of collision the principal person of the watch and the helmsman on duty at the time of the collision;

(2.) Or if neither the master nor the carpenter nor any officer 15 or engineer survives, then every survivor of the crew;

shall, upon first landing in the United Kingdom after the happening of the casualty, and within twenty-four hours of such landing, unless he has previously been examined respecting the casualty or excused from attending within such time by a receiver or person 20 acting for a receiver, attend and submit himself for examination at the office of the receiver for the place of such landing; and where the owner of any British ship has notice that any such casualty has happened in the case of his ship, and neither the master nor any officer or engineer thereof arrives in the United Kingdom 25 within one month after the receipt of such notice by such owner, he shall at the end of such month send to the Board of Trade a report containing a description of the ship, and the name of the master, and the date and nature of the casualty, and shall also send such further particulars as the Board of Trade may from time to 30 time require; and any person making default in obeying the provisions of this section shall be liable to a penalty not exceeding ten pounds, and any person making any false statement in any such examination or report as aforesaid, shall be guilty of a misdemeanor.

Examina-
tion of per-
sons belong-
ing to fo-
reign ships,
by consent of
foreign go-
vernment.

408. Where it is made to appear to Her Majesty in Council 35 that the government of any foreign country is willing that the provisions of this part of this Act for the examination of persons belonging to foreign ships to which any of such casualties as aforesaid happen within the limits of British jurisdiction should extend to cases where such casualties happen to ships or boats of 40 that country in any places beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the said pro-

visions shall extend to such cases accordingly ; and the said provisions shall thereupon extend to such cases in the same manner as if the casualties had happened within the limits of British jurisdiction.

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*Wrecks and
Salvage.*

Formal in-
vestigation
of casualties,
17 & 18 Vict.
c. 104. s. 433.

409. Where it appears to the Board of Trade, either upon or
5 without an inquiry by a receiver or other person as aforesaid, that
a formal investigation of any such casualty as aforesaid, and of the
causes thereof, and of the circumstances attending the same, is
expedient to be made, the Board of Trade may direct such investi-
gation to be held, and determine the place for the holding of such
10 an investigation. Such inquiry shall be held by the court follow-
ing, namely, by the judge of the local court of Admiralty (if any)
having jurisdiction in such place, or if there is none, by a stipendiary
justice or two justices.

Where nautical or engineering skill and knowledge are required
15 for the purposes of any such investigation, the superior court of
Admiralty shall, on the application of the Board of Trade, or of the
said court, appoint some person or persons of nautical or engineering
skill and knowledge to act as assessor or assessors in such investiga-
tion, and such assessor or assessors shall form part of the said court.
20 The court shall hold in open court an investigation of the
casualty, and of the causes thereof, and of all the circumstances
attending the same, in such manner and under such conditions, and
according to such rules with respect to the admission of evidence
or otherwise, as the court may think most effectual for ascer-
25 taining such causes and circumstances and enabling them to make
the report in this section mentioned.

The Board of Trade, or some person appointed by them shall
have the conduct of the investigation, but where there is any person
who is desirous to attend proceedings, and whom the Board of Trade
30 consider to be interested in the case, the Board of Trade may allow
him, by himself or by others, so to attend, and to call and
examine witnesses, and to take part in the proceedings as a party
to the investigation.

The court shall make a report, stating the causes of the casualty
35 and all the circumstances attending the same, and whether the
same was due wholly or partly to the act or default of any person
or persons, or to circumstances beyond the control of any person.

They may state in the report such extracts from and observations
on the evidence as they think fit, and shall state any matters
40 arising out of the investigation of which they think the Board of
Trade should be informed.

Such report shall be read in open court, and shall forthwith be
sent to the Board of Trade.

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It shall be signed by all members of the court, and if any member of the court dissent from such report he shall state in writing such dissent and his reasons for the same.

The Court may make such order as the court may think fit respecting the costs and expenses of the investigation; and such order shall, on the application of any party entitled to the benefit of the same to any superior court or a judge thereof, be enforced by such superior court or judge.

For the purposes of this section, the court holding any such investigation shall, in addition to its ordinary powers, have all the powers by the fourteenth part of this Act given to inspectors appointed by the Board of Trade.

When the investigation is held in Scotland the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner and with such assistance as he may direct.

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Investiga-
 tions in
 British pos-
 sessions.

410. The legislature of any British possession may, by an Act or ordinance, make provision for holding inquiries and investigations respecting such casualties as aforesaid happening either within or beyond the territorial limits of such possession, and for the attendance and examination of witnesses at such inquiries and investigations. Provided, that every such Act or Ordinance shall be void so far as it is enacted under this section unless it be reserved for the signification of Her Majesty's pleasure, or contains a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

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Vessels in Distress.

Vessels
 stranded or
 in distress.
 17 & 18 Vict.
 c. 104. s. 441.

411. Where any British or foreign ship or boat is stranded or in distress at any place within the United Kingdom, or on or near the coasts thereof, the receiver for the district including such place shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and shall assign such duties to each person and issue such directions as he thinks fit for the preservation of such ship or boat, and of the lives of the persons belonging to or on board the same (in this part of this Act referred to as shipwrecked persons), and of the cargo, stores, and tackle thereof, and of the property of such persons, and of all parts of the ship and boat separated therefrom (which cargo, stores, tackle, property, and parts are in this part of this Act included under the expression shipwrecked property).

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Any person wilfully disobeying such directions of the receiver shall incur a penalty not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the ship or boat in reference to the management or preservation thereof,
5 unless he is requested to do so by the master.

412. The receiver may, with a view to the preservation of the ship or boat, or of the shipwrecked persons or property, do all or any of the following things, that is to say,—

Powers of
the receiver.
17 & 18 Vict.
c. 104. s. 442.

- (1.) Summon such persons as he thinks necessary to assist him :
- 20 (2.) Require the master of any ship or boat near at hand to give such aid with his men, ship, or boat as may be in his power :
- (3.) Demand the use of any waggon, cart, or horses that may be near at hand :

And any person refusing, without reasonable cause, to comply with
15 any summons, requisition, or demand so made as aforesaid, shall, for every day on which he refuses, incur a penalty not exceeding one hundred pounds; but no person shall be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the user of the same under this section.

- 20 413. Whenever any ship or boat is so stranded or in distress all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the shipwrecked persons or shipwrecked property, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over
25 any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any shipwrecked property saved.

Power to
pass over ad-
joining lands.
17 & 18 Vict.
c. 104. s. 446.

All damage that may be sustained by any owner or occupier in
30 consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, or property in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is by this part of this Act made recoverable; and the amount payable in
35 respect thereof shall, in case of dispute, be determined in the same manner as the amount of salvage is by this part of this Act, in case of dispute, directed to be determined;

If the owner or occupier of any land over which any person is hereby authorized to pass or repass does any of the acts following,
40 by himself or his servants, that is to say,—

- (1.) Impedes or hinders such person from so passing or repassing, with or without carriages, horses, and servants, by locking

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*Wrecks and
 Salvage.*

his gates, or refusing, upon request, to open the same, or otherwise howsoever; or

(2.) Impedes or hinders the deposit of any shipwrecked property; or

(3.) Prevents such property from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit;

he shall for every such act incur a penalty not exceeding one hundred pounds.

Property washed on shore or lost, or taken from the ship or boat, to be delivered to the receiver.
 17 & 18 Vict. c. 104. s. 443.

414. All shipwrecked property that may be washed on shore, 10
 or otherwise be lost or taken from such ship or boat, shall be delivered to the receiver; and any person, whether he is the owner or not, who fails to deliver the same to the receiver or to any person authorized by him to demand the same, shall incur a penalty not exceeding one hundred pounds, so that he be not punished for 15
 the same offence under this and also under any other provision of this Act; and it shall in every case be lawful for such receiver or other person as aforesaid to take such property by force from the person so refusing to deliver the same.

Power of receiver to suppress plunder and disorder by force.
 17 & 18 Vict. c. 104. s. 444.

415. Whenever any ship or boat is so stranded or in distress 20
 as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the ship or boat or of the shipwrecked persons or property, the receiver may cause such person to be apprehended, and may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her 25
 Majesty's subjects to assist him in the use of such force; and if, when the receiver or any person acting under his orders are engaged in the execution of the duties by this part of this Act committed to the receiver, any person resists such receiver or person, and is killed, maimed, or hurt by reason of such resist- 30
 ance, such receiver and other person are hereby fully indemnified as well against Her Majesty as against every person so maimed or hurt, and the representatives of any person so killed.

In case of a ship plundered by a tumultuous assemblage, the hundred to be liable for damages.
 17 & 18 Vict. c. 104. s. 477.

416. Where any ship or boat is stranded or otherwise in distress within the United Kingdom, or on or near the coasts thereof, and 35
 such ship or boat, or any shipwrecked property, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, full compensation shall be made to the owner of such ship, boat, and property, as follows; (that is to say.) 40

In England by the inhabitants of the hundred, wapentake, ward, or district in the nature of a hundred, by whatever

name denominated, in or nearest to which the said offence is committed, in manner provided by an Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter thirty-one, in case of the destruction of churches and other buildings by a riotous assemblage, or as near thereto as circumstances permit :

In Ireland by the inhabitants of the county, county of a city or town, barony, town or towns, parish or parishes, in or nearest to which such offence is committed, in manner provided by an Act of the session of the third and fourth year of the reign of King William the Fourth, chapter thirty-seven, for the recovery of satisfaction and amends for the malicious demolition of or injury to churches, chapels, and other buildings used for religious worship, or as near thereto as circumstances permit :

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by an Act of the first year of King George the First, statute two, chapter five, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit.

417. Whenever any ship or boat is so stranded or in distress as aforesaid, any person (not being a receiver, or a receiver substitute, or a person acting under the orders of such receiver or receiver substitute) who, without the leave of the master of such ship or boat, endeavours to board the same, may be repelled by force, and the master and any person under his orders, so repelling such person by force, is hereby indemnified for so doing.

Power of
master to
repel board-
ing by force.
17 & 18 Vict.
c. 104. s. 478.

418. Where a receiver is not present, the following officers in succession, each in the absence of the other, in the order in which they are named, (that is to say,) any principal officer of customs principal officer of the coast guard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do all matters and things by this part of this Act authorized to be done by the receiver for the preservation of ships and boats, and shipwrecked persons, and property, with this exception, that, with respect to any shipwrecked property, the delivery of which to the receiver is hereinbefore required, any officer so acting, (in this Act referred to as the receiver's substitute,) shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver ;

Certain offi-
cers to exer-
cise powers
of receiver in
his absence.
17 & 18 Vict.
c. 104. s. 445.

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*Wrecks and
Salvage.*

and a receiver's substitute shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Wreck.

Rules for
persons find-
ing wreck
in the United
Kingdom.
17 & 18 Vict.
c. 104, s. 450.

419. Where any person takes possession of wreck within the 5
United Kingdom, or on or near the coasts thereof, he shall act as
follows; that is to say,

- (1.) If he is the owner of the wreck, he shall, as soon as possible,
give notice to the receiver of the district, and shall de-
scribe in the notice the marks by which the wreck is 10
distinguished; and in default thereof he shall incur a
penalty not exceeding one hundred pounds :
- (2.) If he is not the owner of the wreck, he shall, as soon as
possible, deliver it to the receiver of the district; and in
default he shall forfeit all claim to salvage, and shall be 15
liable, on conviction, to pay as a penalty double the value
of the wreck, and a further sum not exceeding one hun-
dred pounds, such penalty to be recoverable by summary
proceedings or otherwise, so, however, that no penalty
recovered summarily shall exceed fifty pounds. 20

Rules as to
wreck found
at sea.

420. Where any wreck is taken possession of at sea beyond
the limits of the United Kingdom by any British ship or boat, the
master of such ship or boat shall deliver up such wreck to the
receiver at the first port or place at which he arrives in the United
Kingdom, or if, before arriving at the United Kingdom, he delivers 25
the wreck to the owner, or disposes of it by sale or otherwise, he
shall upon his arrival send to the receiver of the district in which
the port or place at which he first arrives is situate a description
of such wreck, and an account of the manner in which he has
disposed of it, and of the price, if any, received for it, and shall pay 30
the proceeds thereof, if any, to the receiver.

Any person making default in obeying the provisions of this
section shall be liable, on conviction, to pay as a penalty double the
value of the wreck, and a further sum not exceeding two hundred
pounds, such penalty to be recoverable by summary proceedings, or 35
otherwise; so, however, that no penalty recovered summarily shall
exceed fifty pounds.

Notice of
wreck to be
given by re-
ceiver.
17 & 18 Vict.
c. 104, s. 452,

421. Every receiver shall, within forty-eight hours after taking
possession of any wreck, cause to be posted up in the custom house
nearest to the place where such wreck was found or was seized 40
by him, or, if found at sea, was delivered to him, a description of the

same and of any marks by which it is distinguished, and shall also transmit a similar description to the secretary of the committee for managing the affairs of Lloyd's in London, and to such other persons as the Board of Trade may from time to time direct; and
 5 such secretary shall post up the description so sent, or a copy thereof, in some conspicuous place, for inspection by any person desirous of examining the same.

422. The owner of any wreck in the possession of the receiver, who establishes his claim to the same to the satisfaction of the
 10 receiver or of the Board of Trade within one year from the time at which such wreck came into the possession of the receiver shall, upon paying the salvage, fees, and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent; and where any such wreck is proved, to the satisfaction
 15 of the receiver or of the Board of Trade, to belong to a foreign owner, the consul general of the country to which the owner of such wreck belongs, or any consular officer of that country authorized in that behalf by any treaty or agreement with such country, shall, in the absence of the owner or his agent, be deemed to be the agent
 20 of the owner, so far as relates to the custody and disposal of the wreck.

Owner to have wreck within one year.
 17 & 18 Vict.
 c. 104. s. 470.
 18 & 19 Vict.
 c. 91. s. 19.

423. With respect to the sale of wreck the following provisions shall have effect; that is to say,—

Power of receiver to sell wreck in certain cases.
 17 & 18 Vict.
 c. 104.
 ss. 453. 469.

- (1.) Where in the opinion of the receiver it is for the advantage
 25 of all parties to sell wreck in his custody he may sell the same, and the proceeds of such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold:
- (2.) Where the owner of any wreck is known or has established
 30 his title to the same, but neglects to pay the salvage fees or expenses due thereon for twenty days after notice in writing from the receiver, the receiver may sell such wreck, or a sufficient part thereof, and may out of the
 35 proceeds of such sale, after defraying the expenses thereof, pay the salvage fees and expenses due, and shall pay or deliver the surplus, if any, of the proceeds or of the wreck to the persons entitled to receive the same.

A receiver, or other person on his behalf, selling wreck under
 40 the provisions of this Act shall not on that account be required to have any licence as an auctioneer, or be liable to any duty imposed on persons selling by auction or competition.

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*Wrecks and
Salvage.**Unclaimed Wreck.*

Notice to
franchisers
of wreck.
17 & 18 Vict.
c. 104.
s. 454, 501.

424. Where any admiral, vice-admiral, lord of a manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, and has proved to the satisfaction of the Board of Trade his title to such unclaimed wreck, he may deliver to such receiver a statement containing the particulars of his title, and an address to which notices may be sent, and the receiver shall forward the same to the Board of Trade, and whenever he takes possession of any wreck found on such place, shall send to such address, within forty-eight hours after so taking possession, a description of such wreck and of any marks by which it is distinguished. 5 10

Wreck not
claimed
within one
year.

17 & 18 Vict.
c. 104.
ss. 471, 475.
25 & 26 Vict.
c. 63. s. 53.

425. Where no owner establishes a claim to any wreck in the possession of a receiver within one year after it came into his possession, the wreck shall, after payment of expenses, costs, fees, and salvage, be dealt with as follows; that is to say,— 15

- (1.) If claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person has given notice as in this part of this Act provided, and has proved to the satisfaction of the Board of Trade his title to receive unclaimed wreck found at the place where such wreck was found, the same shall be delivered to him or his agents: 20
- (2.) If claimed in right of Her Majesty's duchy of Lancaster, the same shall be delivered to the receiver-general of that duchy or his deputies as part of the revenues of that duchy: 25
- (3.) If claimed in right of the duchy of Cornwall, the same shall be delivered to the receiver-general of that duchy or his deputies as part of the revenues of that duchy:
- (4.) In other cases the wreck, if unsold, shall be sold by such persons and in such manner as the Board of Trade direct, and the proceeds thereof shall be payable to Her Majesty, her heirs and successors, as part of the hereditary revenues of the Crown, and shall be disposed of according to the provisions of the Acts, if any, for the time being in force relating to those revenues. 30 35

The provisions of this section shall be subject to the provisions of this part of this Act for the purchase and transfer to the Board of Trade of rights and interests to and in wreck.

Disputed
title to
wreck.
17 & 18 Vict.
c. 104.
ss. 472, 473.

426. Where any dispute arises between the Crown or any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person, and the receiver or any other person, respecting title to wreck found at any place, the local admiralty court shall have 40

jurisdiction to determine such dispute in the same manner as if it were a dispute as to salvage within the jurisdiction of such court; but if any party to such dispute is unwilling to have the same determined by the local court, or feels aggrieved by the decision of such court, he may, within six months from the date of such decision, take proceedings in any court having jurisdiction in the matter for establishing his title.

427. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this part of this Act, such receiver shall be discharged from all liability in respect thereof, but neither such delivery nor any acknowledgment by the Board of Trade or by a receiver shall prejudice or affect any question which may be raised by third parties concerning such wreck, or which may be raised by any person concerning the right to unclaimed wreck found at the place where such wreck was found, or concerning the title to the soil of such place.

Delivery of wreck by receivers not to prejudice title.
25 & 26 Vict. c. 63. s. 52.

428. In any case where two or more persons claim any wreck or proceeds of wreck, of what value or amount soever, in the possession of a receiver, such receiver may apply to a local admiralty court for a summons, calling on such persons to interplead, and the registrar shall issue such summons to the persons claiming as aforesaid, and all proceedings and appeals shall be had thereon in the like manner as in interpleader proceedings on the application of a high bailiff under the provisions of the County Courts Act, 1867, and the costs incurred by the receiver in obtaining such summons shall be a charge on the wreck in question as expenses incurred by the receiver.

Interpleader in case of wreck.

429. The Board of Trade may, with the consent of the Treasury out of the revenue arising under this part of this Act, purchase any rights to or interests in unclaimed wreck possessed by any person other than Her Majesty; and for the purpose of such purchases the provisions of the Lands Clauses Acts, relating to the purchase of lands by agreement, shall be incorporated with this part of this Act, and in the construction of those Acts for the purposes of this section this Act shall be deemed to be the special Act, and any such rights to wreck as aforesaid shall be deemed to be an interest in land authorized to be taken by the special Act, and the Board of Trade shall be deemed to be the promoters of the undertaking; but it shall not be lawful for the Board of Trade to purchase any rights to or interests in unclaimed wreck at a greater price than *ten* years purchase of the annual value of the same, calculated on the average of the *ten* years next preceding the agreement to purchase the same.

Power to purchase rights to wreck.
17 & 18 Vict. c. 104. s. 474.

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*Wrecks and Salvage.*Admiral not
to interfere
with wreck.17 & 18 Vict.
c. 104. s. 440.Unclaimed
wreck in
British pos-
sessions.

430. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck or shipwrecked property.

431. Her Majesty may, by Order in Council, direct that wreck 5 found on or near the coasts of any British possession, and unclaimed, shall be applied to such shipping purposes as the legislature of such possession may, by any Act or Ordinance, appoint; but every such Act or Ordinance, so far as it relates to such wreck, shall be void, unless it either be reserved for the signification of Her 10 Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Offences in respect of Wreck.

15

Marine store
dealers.
17 & 18 Vict.
c. 104.
ss. 480., 481.,
482.

432. The provisions of the Old Metal Dealers Act, 1861, relating to dealers in old metals who have been registered under the said Act, shall apply to all persons who deal in buying or selling any of the articles following, either alone or with old metals, that is to say, old anchors, cables, sails, junk, or marine stores of any 20 kind, in the same manner as if such persons had been registered under that Act; and in the construction of the said Act for the purposes of this section the words "old metals" shall be deemed to include any or all of the articles aforesaid; and the words "dealers in old metals" shall be deemed to include persons dealing 25 in buying or selling any of the articles aforesaid; and every person so dealing in any of the articles mentioned in this section shall observe the regulations following, in addition to the regulations prescribed by the said Act; that is to say,

- (1.) He shall have his name, together with the words "dealer in 30 marine stores," distinctly painted, in letters of not less than four inches in length and two inches in breadth, on some conspicuous part of each warehouse and place of deposit belonging to him :
- (2.) He shall not cut up or unlay any cable or similar article 35 exceeding five fathoms in length until the expiration of forty-eight hours after he has obtained a written permit from the receiver for the district in which he carries on business :
- (3.) He shall at all times, when required by the receiver, whether 40 or not the receiver has a warrant for search or inspec-

tion, produce and deliver up to the receiver every book kept in pursuance of the provisions of the said Act, and shall allow the receiver to inspect and take copies of the same :

And every person making default in observing the regulations aforesaid shall for the first offence incur a penalty of not more than ten pounds ; and shall for every subsequent offence incur a penalty of not more than fifty pounds.

433. Every person who does any of the acts following in respect of any ship or boat wrecked, stranded, abandoned, or in distress, or in respect of any wreck or of any shipwrecked property as defined in this part of this Act. Felonies and misdemeanors in respect of wrecks.

(1.) Wilfully prevents or impedes any person in his endeavour to save his life who is on board of or has quitted any such ship or boat, or wilfully prevents or impedes any person in his endeavour to save the life of any such person as aforesaid ; 24 & 25 Vict. c. 100. s. 17.

(2.) Wilfully prevents or impedes the saving of any such ship, boat, wreck, or shipwrecked property : 17 & 18 Vict. c. 104. s. 478.

(3.) Steals or maliciously destroys any such wreck or shipwrecked property ; or 24 & 25 Vict. c. 96. s. 64. c. 97. s. 49.

(4.) Sells on the high seas or in any foreign port or place any such ship, boat, wreck, or shipwrecked property, not being the owner thereof ; 17 & 18 Vict. c. 104. s. 479.

shall be deemed to be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not exceeding fourteen years, or to be imprisoned for any time not exceeding two years, with or without hard labour :

434. Every person who does any of the acts following in respect of any ship or boat wrecked, stranded, abandoned, or in distress, or in respect of any shipwrecked property or wreck ; that is to say,— Misdemeanor in respect of Wrecks.

(1.) Boards any such ship or boat against the will of the master, unless the person so boarding is, or acts by command of, the receiver, or the receiver's substitute : 17 & 18 Vict. c. 104. s. 478.

(2.) Assaults any receiver, or any receiver's substitute in the exercise of his duty for the preservation or assistance of any such ship, boat, wreck, or shipwrecked property, or assaults any person acting by command of such receiver or substitute in the exercise of his duty as aforesaid ; 24 & 25 Vict. c. 100. s. 37.

(3.) Secretes any such wreck or shipwrecked property, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck of shipwrecked property, or in

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any manner conceals from any person entitled to inquire into the same the character thereof, or the fact that the same is such wreck or shipwrecked property as aforesaid ;

- (4.) Receives any such wreck or shipwrecked property, knowing the same to be such wreck, from any person other than 5 the owner thereof or the receiver or the receiver's substitute, and does not within forty-eight hours inform the receiver thereof ; or

24 & 25 Vict.
c. 96. s. 66.

- (5.) Knowingly sells or otherwise deals with any such wreck or shipwrecked property, not having a lawful title to sell 10 or deal with the same ; or

24 & 25 Vict.
c. 96. s. 65.

- (6.) Knowingly keeps in his possession any such wreck or shipwrecked property, without a lawful title to the same, for any time longer than the time reasonably necessary for the delivery of the same to the receiver ; 15

shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour.

Venue and
evidence in
prosecutions
for offences
in respect of
wrecks.

435. Any person charged with a felony or misdemeanor under this part of this Act may be indicted and prosecuted, and the venue 20 may be laid in any county ; and in any indictment or prosecution under this part of this Act, for any felony or misdemeanor in respect of wreck or shipwrecked property it shall not be necessary to lay the property in any person, or to identify the alleged wreck as part of any particular ship or boat, or shipwrecked 25 property coming from any particular ship or boat, or as the property of any particular person.

In any indictment, or prosecution for receiving, secreting, disguising, defacing, obliterating marks on, or the possession of, or selling or dealing with any wreck or shipwrecked property, unless 30 the accused shows that he was possessed of the same for more than twelve months before the date of the indictment or the commencement of the prosecution, it shall lie upon him to show that he did not know or had not the means of knowing the same to be such wreck or shipwrecked property, or that he was lawfully 35 possessed of or entitled to sell or deal with the same, and the accused may, with his consent, be sworn and examined as an ordinary witness ; and in any indictment or prosecution for secreting, defacing, receiving, possessing, selling, dealing with, or conceal- 40 ing the character of any wreck, evidence may be given, either before or after verdict, of any former conviction of the accused for any of the said offences.

PART VI.
*Wrecks and Salvage.*Summary
procedure
for conceal-
ment of
wreck.
17 & 18 Vict.
c. 104. s. 451.

436. Where a receiver suspects that any wreck or shipwrecked property is secreted or concealed by or wrongfully in the possession of any person, he may apply to any justice of the peace for a search warrant, and such justice shall have power to grant such warrant, 5 by virtue whereof it shall be lawful for the receiver to enter, and if need be by force, any house, building, and place, whether enclosed or unenclosed, and any ship or boat, and to search for, remove, and detain any wreck or shipwrecked property there kept or secreted, and if any wreck or shipwrecked property is discovered, 10 and the person in whose possession the same is found fails, on being summoned to appear before two justices, to prove to the satisfaction of such justices that he was lawfully entitled to the possession of such wreck or shipwrecked property, he shall be liable to a penalty not exceeding twenty pounds for the first 15 offence, and for every subsequent offence shall be liable, at the discretion of the justices, either to a penalty not exceeding fifty pounds or to imprisonment with hard labour for any period not exceeding three months; but the justices may, if they think fit, commit him for trial for a misdemeanor under this Act. If any 20 such discovery as aforesaid is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding twenty pounds as the receiver may allow.

Salvage of Life, and Salvage within the United Kingdom.

- 25 437. Where services are rendered wholly or in part within British jurisdiction in saving life from any British or foreign ship or boat, or elsewhere in saving life from any British ship or boat, there shall be payable to the salvor by the owner of the ship or boat, freight, cargo, stores, and tackle, a reasonable sum for salvage and 30 expenses, in priority to all other claims, if any, for salvage; and in cases where such ship or boat, stores, tackle, and cargo, are destroyed, or the value thereof, with the freight, if any, is insufficient, after payment of the actual expenses incurred, to pay the amount of such salvage, the Board of Trade may, in their dis- 35 cretion, award to the salvor, out of the mercantile marine fund, such remuneration as they think fit.

Salvage of
life.
17 & 18 Vict.
c. 104.
ss. 458, 459.

438. When it is made to appear to Her Majesty that the govern- ment of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from 40 ships and boats belonging to such country elsewhere than in British jurisdiction, Her Majesty may, by Order in Council, direct

Salvage of
life from
foreign ves-
sels out of
British
jurisdiction.
25 & 26 Vict.
c. 63. s. 59.

PART VI.
*Wrecks and
 Salvage.*

that the provisions of this part of this Act with reference to salvage of life shall apply, and such provisions shall accordingly apply in such cases as if the services were rendered in saving life from British ships or boats.

Salvage of
 cargo or
 wreck within
 the United
 Kingdom.
 17 & 18 Vict.
 c. 104. s. 458.

439. Where, within or without British jurisdiction, any British 5
 or foreign ship or boat is wrecked or abandoned, stranded, or in
 distress, and services are rendered by any person in assisting such
 ship or boat, or in saving any shipwrecked property, and where
 services are rendered as aforesaid by any person in saving wreck, 10
 there shall be payable to the salvor by the owner of such ship, 10
 boat, freight, and property, or of the wreck, as the case may be, a
 reasonable amount of salvage, including expenses properly incurred.

Procedure in Salvage generally.

Jurisdiction
 in salvage
 questions.

440. Disputes as to salvage, whether of life or property, shall, 15
 in the United Kingdom, be heard and determined as follows, and 15
 not otherwise; that is to say,—

- (1.) If either the amount claimed does not exceed twenty
 pounds, or the value of the property saved does not
 exceed fifty pounds, or if the parties consent in writing,
 the dispute shall be heard and determined by the receiver 20
 of the district where the services were rendered or where
 the property saved is at the time of the making of the
 claim, and his award shall be final and conclusive against
 all persons :
- (2.) In other cases, if either the amount claimed does not exceed 25
 three hundred pounds, or the value of the property saved
 does not exceed one thousand pounds, or if the parties
 consent in writing, the dispute shall be heard and deter-
 mined by the local court of Admiralty having jurisdiction
 in the place where the services were rendered or where 30
 the property is at the time of the making of the claim :
- (3.) In other cases the dispute shall be heard and determined
 by the Superior Court of Admiralty.

And if in any suit or proceeding for salvage in any court the
 claimant recover an amount less than the maximum amount 35
 which might be recovered before an inferior court or the receiver,
 then, unless the court certify that such suit or proceeding was
 unfit to be determined by the receiver or local court, as the case
 may be, the claimant shall have no costs, charges, or expenses
 incurred by him in the prosecution of his claim, and shall pay to 40

the other party such costs, charges, and expenses, if any, as the court may direct.

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Salvage.*

For the purposes of this section, the amount claimed shall mean the amount claimed in the proceeding or suit before the receiver, or
5 in the court in which the suit or proceeding is taken; and the value of the property saved shall mean the value of the property when first brought into safety by the salvors.

441. Any dispute as to salvage may be heard and determined, on the application either of the salvor or of the owner of
10 the property liable to the claim for salvage; and where no proceedings have been brought by the salvor, the owner may make application as aforesaid to the receiver or court having jurisdiction, according to the value of the property saved.

Proceedings
for salvage
how to be
commenced.

442. Where any dispute as to salvage arises in the United
15 Kingdom, the receiver of the district where the property is may, on the application of either party, appoint a valuer to value the property saved, and shall give copies of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be certified as a true copy by the receiver,
20 shall be admissible as evidence in any subsequent proceeding, and shall, for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation; and there shall be paid in respect of such valuation such fee, not exceeding the fees specified in the schedule to this Act, as the Board of
25 Trade may from time to time direct.

Valuation of
property.
25 & 26 Vict.
c. 63. s. 50.

443. Where any dispute as to salvage arises before a receiver under the provisions of this Act, the receiver shall hear and determine the same in such manner as the Board of Trade may from time to time by regulations prescribe, and may take possession of
30 and detain the property liable for the salvage until the salvage, fees, and costs are paid, or until security is given for the same to his satisfaction; and if after he has made and delivered his award the salvage and fees by him awarded to be paid, together with such costs as he may in accordance with the said regulations award to be
35 due, are not paid within fourteen days, he may sell such property or a sufficient part thereof, and out of the proceeds defray the expenses of the sale, and the salvage, fees, and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto.

Procedure in
disputes as
to salvage
before a re-
ceiver.

444. Where the aggregate amount of salvage payable in respect
40 of any services has been finally determined by a court or by

Apportion-
ment of sal-
vage.

PART VI.
*Wrecks and
Salvage.*17 & 18 Vict.
c. 104.
ss. 466., 498.

admission or agreement, such amount may be apportioned and distributed as follows; that is to say,—

- (1.) If the amount has been determined by a receiver, the receiver may apportion the same among the persons entitled thereto in such manner as he thinks just, and his apportionment shall be final;
- (2.) If the amount has been determined by a court having Admiralty jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as the court thinks fit;
- (3.) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the person liable to pay such amount may pay the same, if it does not exceed twenty pounds, to a receiver, or if it exceeds twenty pounds into any court having Admiralty jurisdiction, and such receiver or court shall receive and apportion the same, and shall grant to the person paying the same a certificate of the amount paid and of the services in respect of which it is paid, and such certificate shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons parties to or bound by such admission or agreement.

30

Enforcement
of salvage
when the
property is
under arrest
in another
suit.

445. Where any salvage, fees, charges, or costs, in relation to salvage, are awarded or declared to be due by a receiver or any court having jurisdiction in salvage, and the property, or the proceeds thereof, is or are under arrest in a different suit in a court not being the same court by which such salvage, fees, charges, or costs, have been awarded, such salvage, fees, charges, and costs shall be enforced against the property, or proceeds so under arrest, by the court in which the same is or are under arrest.

Agreement
instead of
lien for sal-
vage.

446. Where a salvor voluntarily agrees to abandon his lien on any property alleged to be salvaged, and the master of the ship or person in charge of such property enters into an agreement in writing,

attested by two witnesses, to abide the decision of a court having Admiralty jurisdiction, to an amount specified in the agreement, such agreement shall bind the ship, cargo, freight, and property respectively, and the respective owners thereof for the time being, 5 and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be due upon the ship, cargo, freight, and property respectively, to the extent specified in the agreement, and may be adjudicated upon and enforced by the court named in the agreement; and for the purpose of enforcing any 10 such agreement, any court having Admiralty jurisdiction shall have all the powers of the Superior Court of Admiralty, and the High Court of Admiralty of England may enforce such agreements in any vice-admiralty court in any part of Her Majesty's dominions, and all courts exercising Admiralty jurisdiction in the United 15 Kingdom, the Channel Islands, and the Isle of Man, shall aid and assist the High Court of Admiralty in enforcing the same.

Where such an agreement is made as in this section mentioned the salvor and the master or other person making the agreement shall respectively make and sign statements of the matters specified 20 in the form in the fourteenth schedule to this Act, so far as the same is applicable, and the salvor shall without delay transmit the said agreement and statements to the court which is to adjudicate upon the said agreement.

Any agreement made out of the United Kingdom in pursuance 25 of this section shall be exempt from stamp duty. 17 & 18 Vict.
c. 104. s. 495.

Salvage by Her Majesty's Ships.

447. Where services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, in saving any ship, boat, cargo, or property, or the lives of persons belonging to any 30 ship or boat, claims for salvage in respect of such services shall not be heard or allowed otherwise than as follows; that is to say, Salvage by Her Majesty's ships. 17 & 18 Vict. c. 104. ss. 484., 485.

(1.) Such claims may be made and prosecuted by the Admiralty, at their discretion, on behalf of any such commander or crew, before any court having Admiralty jurisdiction.

35 (2.) A claim may be allowed for the cost of any stores belonging to Her Majesty supplied to any ship in distress, but no claim shall be allowed for the risk, loss, or damage of any ship belonging to Her Majesty, or of the appurtenances on board such ship:

40 448. Where services are rendered at any place out of the limits of the United Kingdom and the seas adjoining thereto by the com- Salvage by Her Majesty's ships abroad.
[267.] U 4

PART VI.
*Wrecks and
Salvage.*17 & 18 Vict.
c. 104.
ss. 486-494,
and 496.

mander or crew of any of Her Majesty's ships, in saving any ship, boat, or other property, such commander, or the officer in command of such crew, may make and sign and require the master or other person in charge of the ship, boat, or property saved to make and sign a statement in the form in the fourteenth schedule to this Act, 5 so far as the same is applicable, and upon such statement being so made and signed by such master or other person the ship, boat, or property shall not be detained; but if such master or other person refuses to make and sign such statement, such commander or officer may carry the ship, boat, and property into any port where 10 there is a consular officer or a vice-admiralty court, and the consular officer or the judge of the vice-admiralty court may detain the ship, boat, and property until such statement is made or security is given to the satisfaction of such consular officer or judge for the payment of any salvage which may be awarded. 15

Any such statement by a master or other person as aforesaid shall in any proceedings for salvage be evidence on behalf of the Admiralty of all matters contained therein; and any person who in any statement made in pursuance of this section wilfully makes 20 any false representation shall be guilty of perjury.

*Jurisdiction of Courts of Admiralty in Salvage.*Jurisdiction
of Courts of
Admiralty in
salvage.17 & 18 Vict.
c. 104. s. 476.

449. Subject to the provisions of this Act, every court having Admiralty jurisdiction, shall have jurisdiction to decide upon claims relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the 25 body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck or property in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

30

Appoint-
ment of
receivers
of wreck.17 & 18 Vict.
c. 104. s. 489.

450. The Board of Trade shall throughout the United Kingdom have the general superintendence of all matters relating to wreck, and to casualties happening to shipping, and may, from time to time, appoint any officer of customs or of the coastguard, or, where it appears to such board to be more convenient, any other person, to 35 be a receiver of wreck, in this Act referred to as receiver, and may, from time to time, remove any receiver, whether appointed before or after the commencement of this Act, and may assign a district to any receiver, and may vary such district from time to time.

Powers of re-
ceivers.

451. The provisions of part fourteen of this Act as to the powers 40 and authorities of inspectors appointed by the Board of Trade,

and as to witnesses summoned by them, and as to persons obstructing them in their duty, shall extend and apply to the case of receivers acting in the execution of their duties under this part of this Act.

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Fees of Receivers of Wreck.

- 5 **452.** There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also in respect of the several matters specified in the fourteenth schedule to this Act, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade ;
10 and the receiver shall have the same rights and remedies for the recovery of such expenses and fees which a salvor has in respect of salvage due to him, and may seize and detain any property in respect of which any such expenses or fees are due until the same are paid.
- 15 Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

Receiver's fees.
17 & 18 Vict.
c. 104.
ss. 455-457.

All fees received by any receiver appointed under this Act, in respect of any services performed by him as receiver, shall be carried to and form part of the mercantile marine fund.

There shall be paid by the Board of Trade to every receiver, for his own use, such remuneration as the Board of Trade may, with the consent of the Treasury, from time to time appoint, and, save as
25 aforesaid, a receiver shall not as such or in respect of anything done by him in the execution of the duties imposed on him by this part of this Act, be entitled to take any fee or receive any remuneration whatever.

- 453.** Where services are rendered by any officer or men of
30 the coast-guard service in watching or protecting shipwrecked property, then, unless it can be shown that such services have been declined by the owner of such property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the shipwrecked property shall pay
35 in respect of the said services remuneration according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed the scale by which remuneration to officers and men of the coast-guard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated ; and such
40 remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the

Remuneration for services by coastguard.
18 & 19 Vict.
c. 91. s. 20.

PART VI.
*Wrecks and
 Salvage.*

same manner as fees received by receivers, under the provisions of this part of this Act.

Miscellaneous Provisions.

Duties on
 wreck.
 17 & 18 Vict.
 c. 104.
 ss. 499-500.

454. All wreck, or shipwrecked property, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or the Isle of Man respectively; and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Commissioners of Customs may upon investigation determine. 5 10

The Commissioners of Customs and Inland Revenue shall permit all goods saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which the same were shipped; but such commissioners may take security for the due protection of the revenue in respect of such goods. 15

Jurisdiction
 of local Ad-
 miralty
 Courts in
 Ireland.

455. The jurisdiction of local courts in Ireland under the provisions of the Court of Admiralty (Ireland) Act, 1867, shall extend to all cases of salvage where either the amount claimed in the suit or proceeding does not exceed three hundred pounds, or the value of the property saved does not exceed one thousand pounds. 20

PART VII.

PART VII.
Pilotage.

PILOTAGE.

Application.

5 **456.** This part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships, British and foreign.

Application of
Part . 1854, s. 330.

457. In this part of this Act,

10 The term "pilotage authority" means any person or persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage :
The term "pilot" means any person not belonging to a ship who has the conduct thereof :

Definitions.

The term "pilot boat" means any ship or boat regularly employed in the pilotage service of any district.

15 *Trinity House.*

458. The Trinity House pilotage district, in which the Trinity House shall be the pilotage authority, shall consist of,—

Extent of the Trinity
House pilotage
district.
See 1854, s. 370.

20 1. The "London District," consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Ordfordness to the north, and Dungeness to the south :

2. The "English Channel District," consisting of the seas between Dungeness and the Isle of Wight :

25 3. The "Trinity House Outport Districts," consisting of every district in any part of the United Kingdom which is not for the time being the district of a pilotage authority created before or after the commencement of this Act, by or under the power of any special Act or by Charter, and all parts of
30 the North Sea and of the English and Irish Channels which are not for the time being within the district of any pilotage authority created as aforesaid.

459. The Trinity House may, in addition to the general power in this part of this Act given to every pilotage authority of doing
35 certain things in relation to pilotage matters, alter from time to time, by any byelaw confirmed by Her Majesty in Council, such of the provisions in this part of this Act contained as are expressed to be subject to alteration by the Trinity House.

Power of Trinity
House to alter regu-
lations.
1854, s. 368.

PART VII.
Pilotage.

Power of Trinity
House to appoint
sub-commissioners.
1854, s. 369.

460. The Trinity House shall appoint sub-commissioners (not being more than five nor fewer than three) for the examination of pilots in all districts in which the Trinity House have before the commencement of this Act been used to appoint sub-commissioners, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners in any other part of the Trinity House pilotage district. But a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with such consent as aforesaid, and no sub-commissioners so appointed shall be deemed to be pilotage authorities within the meaning of this Act. 5

Power of Hull
Trinity House to
appoint sub-commissioners.
1854, s. 387.

461. The corporation of the Trinity House of the port of Kingston-upon-Hull shall continue to appoint sub-commissioners, not being more than seven nor less than three in number, for the examination of pilots in all districts in which they have before the commencement of this Act been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district situate within their jurisdiction; but a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the said corporation shall not be extended, except with such consent as aforesaid; and no sub-commissioners appointed or to be appointed by the Trinity House of Hull shall be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act contained be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the River Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act. 20 25

Provisional Orders.

30

Powers of Board of
Trade to be exercised
by provisional
order.
1862, s. 39.

To transfer pilotage
jurisdiction.
1862, s. 39.

462. The Board of Trade shall have power to do all or any of the following things by provisional order:

(1.) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, then,— 35

(a.) To transfer so much of the said jurisdiction as concerns such last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in maritime matters at the last-mentioned port, or to any local body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or 40

- (b.) To transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests concerned, and (if they think fit) to incorporate such body, and to regulate their constitution, whether incorporated or not.
- 5 (2.) To make the body to whom the said transfer is made a pilotage authority (herein-after called the new pilotage authority), with such powers as may be mentioned in the provisional order. To make the new body a pilotage authority. 1862, s. 39.
- 10 (3.) To determine the limits of the district of the new pilotage authority : To determine the limits of such pilotage authority.
- (4.) To sanction a scale of pilotage dues demandable by the pilots to be licensed by the new pilotage authority : To sanction pilotage dues.
- 15 (5.) To determine to what extent and under what conditions any pilots then already licensed by the former pilotage authority are to continue to act under the new pilotage authority : To determine the condition under which pilots shall continue to act under such pilotage authority.
- 20 (6.) To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authorities between the pilots remaining under the jurisdiction of the former authority and the pilots who are transferred to the jurisdiction of the new authority : To sanction arrangements for the apportionment of pilotage funds.
- 25 (7.) To provide for just compensation to officers employed by the former pilotage authority, and not continued by the new pilotage authority : To provide for compensation of officers. 1862, s. 39.
- (8.) To constitute a pilotage authority, and to fix the limits of their district, in any place to which this part of this Act extends, where there is no pilotage authority other than the Trinity House; so, however, that in the new pilotage district so constituted there be no compulsory payment of pilotage dues, and no restriction on the power of qualified persons to obtain licences as pilots : To constitute new authorities. 1862, s. 39.
- 30 (9.) To grant exemption to all or any ships or all or any classes of ships from compulsory payment of pilotage dues in any pilotage district or part of a pilotage district, and to annex terms and conditions to such exemptions : To exempt from compulsory payment of pilotage dues.
- 35 (10.) In cases where the payment of pilotage dues is not compulsory, and where there is no restriction on the power of qualified persons to obtain licences as pilots,— To enable existing authorities to grant licences and fix or raise dues. 1862, s. 39., clauses 5 and 6.
- 40 (a.) To give to any pilotage authority power for licensing pilots, and for fixing pilotage dues for the district or any part of the district of such authority for which no such licences or dues for the time being exist, and

PART VII.
*Pilotage.*To facilitate the
recovery of dues.

for increasing all or any of the pilotage dues which for the time being are in force in the district or any part of the district of such authority :

- (b.) To give additional facilities for the recovery of pilotage dues, and for preventing the employment of unlicensed pilots.

To facilitate grants
of licences.

- (11.) To give facilities for enabling qualified persons after examination as to their qualifications to obtain licences as pilots.

Application for such order may be made by any persons interested in the pilotage of the district, or in the operation of the laws or regulations relating to such pilotage, and the provisions contained in Part sixteen of this Act shall extend to provisional orders under this section.

*General Powers of Pilotage Authorities.*Powers of pilotage
authorities.
1854, s. 333.

463. Subject to the provisions of this part of this Act, every pilotage authority shall have power from time to time, by byelaw confirmed by Her Majesty in Council, to do all or any of the following things within their district ; namely,

To determine quali-
fications of pilots.
1854, s. 333.

- (1.) To determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots.

To make regulations
respecting pilot
boats.

- (2.) To make regulations respecting the approval and licensing of pilot boats.

To aid companies
for the support of
pilot boats.
1854, s. 333, c. 2.

- (3.) To provide for aiding in the establishment of and participating in the profits of companies for the support of pilot boats.

To license.

- (4.) To license pilots and apprentices, and certificate masters and mates.

To make regulations
as to licences and
certificate.
1854, s. 333. c. 4.

- (5.) To fix the terms and conditions of granting licences to pilots and apprentices, and such pilotage certificates as in this part of this Act mentioned to masters and mates.

To make regulations
for the government
of pilots.
1854, s. 333. § 3.

- (6.) To make regulations for the government of the pilots, apprentices, masters, and mates licensed or certificated by such pilotage authority, and for ensuring their good conduct and constant attendance to and effectual performance of their duty at sea and on shore.

- (7.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the licence or certificate of the person guilty of such breach, or by the infliction of penalties, so however that no single penalty be made to exceed the sum of twenty pounds, and that every such penalty be capable of reduction at the discretion of the court by whom the same is inflicted.

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*Pilotage.*To fix and alter
pilotage dues.
1854, s. 333.

(8.) To fix and alter the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration (in this Act called pilotage dues), so, however, that no higher dues be demanded or received in the London District of the Trinity House than those specified in the fifteenth schedule to this Act, and in any other pilotage district than those which might have been lawfully fixed by the pilotage authority of that district under any Act, charter, or custom in force at the commencement of this Act.

(9.) To fix and alter the contribution payable to such authority by way of poundage or otherwise by pilots licensed by them.

To fix sums payable
by pilots to their
pilotage authority.

(10.) In any district wherein the payment of pilotage dues is made compulsory by this part of this Act, to make and alter regulations as to the things to be done by the master of any ship not exempted from the payment of pilotage dues, in order to obtain the services of a licensed pilot, as to the offering of services by pilots, and as to securing due payment of pilotage dues.

Where payment of
pilotage dues is
compulsory, to re-
gulate mode of
obtaining a quali-
fied pilot.

(11.) To establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows, or children, and to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (such persons to be in the service of such pilotage authority) to and in which and by and upon whom the contributions in support of such existing or future funds may be made or levied; and further, to determine what persons or class of persons from among the men in the service of such pilotage authority, their wives, widows, or children, are and are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled.

To establish funds
for superannuated
pilots.
1854, s. 333. 7.

(12.) To repeal or alter any byelaw made in exercise of the powers of this section, and to make a new byelaw or new byelaws in lieu thereof.

To alter byelaws.
1854, s. 333, c. 8.

And every byelaw made by any pilotage authority in exercise of the powers of this section shall, if and when confirmed by order of Her Majesty in Council, be valid and effectual, notwithstanding any Act of Parliament, rule, law, or custom to the contrary.

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Publication of byelaws.
1854, s. 334 & 335.

Power of appeal to Board of Trade.
1854, s. 336.

464. Every byelaw proposed to be made by a pilotage authority under this Act shall, before it is submitted to Her Majesty in Council for confirmation, be published in such manner as the Board of Trade prescribe.

465. If the following persons at any port, namely,— 5

(a.) The majority of the licensed pilots belonging to the port ;
or,

(b.) Where there is a local marine board, the local marine board ;
or,

(c.) Where there is no local marine board, any number of persons 10
not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a pilotage authority made under any power before or after the commencement of this Act, or by a defect or omission in such regulation or byelaw, they may appeal to the Board of Trade, and the board may thereupon by order revoke or alter, or make additions to, such regulation or byelaw, in such manner as, having regard to the interest of the persons concerned, appears to the Board of Trade to be just and expedient, and every order so made shall be conclusive in the matter wherein it is made. 20

But if such byelaw is one made under this Act and confirmed by an Order in Council, the order of the Board of Trade shall not be of any effect until it has been confirmed by an Order in Council.

General jurisdiction of pilotage authorities.
1854, s. 331.

466. Every pilotage authority shall retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the provisions of this Act ; but no law relating to such authority, or to the pilots licensed by them, and nothing done by such authority, shall, if inconsistent with any provision of this Act, be of any force whatever. 30

Returns by Pilotage Authorities.

Pilotage authorities to make returns to the Board of Trade of certain particulars connected with pilotage.
1854, s. 337.

467. Every pilotage authority shall deliver periodically to the Board of Trade, in such form and at such times as the Board of Trade require, returns, in this Act called pilotage returns, of the following particulars with regard to pilotage within their district ; 35
namely,

(1.) All byelaws, regulations, orders, or ordinances relating to pilots or pilotage for the time being in force :

(2.) The names and ages of all pilots, apprentices, masters, or mates licensed, certificated, or authorized to act by such authority, and of all pilots or apprentices acting either 40

mediately or immediately under such authority, whether so licensed or authorized or not:

(3.) The service for which each pilot, apprentice, master, or mate is licensed or certificated:

5 (4.) The pilotage dues for the time being in force, including therein the amounts and description of all charges upon shipping made in respect of pilots or pilotage:

10 (5.) The total amount received for pilotage dues, distinguishing the amounts received from British ships and from foreign ships, and the amounts received in respect of different classes of ships paying different rates of pilotage dues, according to the scale of such dues for the time being in force, and the amounts received for the several classes of service rendered by pilots; and also the amount paid by such ships (if any)
15 as are compelled before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to pay for two or more pilots, whether licensed by the same or by different pilotage authorities together with the numbers of the ships of each of the
20 several classes paying such several amounts as aforesaid:

(6.) The receipt and expenditure of all money received by or on behalf of such authority, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage:

25 And shall allow the Board of Trade, or any persons appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of such authority relating to the several matters by this section required to be returned to the Board of Trade.

30 **468.** If any pilotage authority (other than the Trinity House or sub-commissioners of pilotage appointed by the Trinity House as in this Act provided) fail to deliver to the Board of Trade any pilotage return within one year after the time fixed by the Board of Trade for the purpose, or otherwise fail to comply with the pro-

35 visions of this Act with respect to pilotage returns, it shall be lawful for Her Majesty, by Order in Council, to direct that all the rights and powers of such authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for
40 which such suspension continues, have and exercise the same powers of appointing sub-commissioners of pilotage, and of examining and licensing pilots, and of examining and certificating masters and mates, and of establishing and altering rates of pilotage dues within the

If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House. 1854, s. 338.

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district of the authority so making default, as the Trinity House are by this Act authorized to exercise in the Trinity House pilotage district, and shall also during such time as aforesaid have and exercise the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the pilotage authority so making default would or might have had if not so suspended. 5

Returns to be laid
before Parliament.
1854, s. 339.

469. The Board of Trade shall, without delay, cause the pilotage returns to be laid before both Houses of Parliament.

Licensing of Pilots.

Registry of pilot
licences.
1854, s. 349.

470. Every pilot, on being licensed by any pilotage authority, shall receive a licence containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act; and the principal officer of customs at the place at or nearest to which any licensed pilot resides shall, on his request, register his licence; and a licensed pilot shall not be entitled to act as such until his licence is so registered. Any licensed pilot acting beyond the limits for which he is qualified by his licence shall be considered an unlicensed pilot. 10 15

Copies of regulations
to be furnished to
licensed pilot, and
to be produced by
him.
1854, s. 350.

471. Every licensed pilot shall, on receiving his licence, be furnished with a copy of this part of this Act, and of the schedules referred to in this part of this Act, and a copy of the dues and byelaws established within the district for which he is licensed; and he shall produce such copies to the master of any ship, or other person employing him, when required to do so, under a penalty in case of default not exceeding five pounds. 20 25

Licensed pilot to
produce licence to
employer.
1854, s. 351.

472. Every licensed pilot while acting in that capacity shall be provided with his licence, and shall produce the same (whether requested to produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of or offers his services to such person, and shall be ready at all times to produce his licence, at the request of every person by whom he is employed or to whom he offers his services as pilot, and if he neglects or refuses to produce his licence he shall be liable for each offence to a penalty not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed. 30 35

Licences to be
delivered up when
required, and to be
returned on death.
1854, s. 352.

473. Every licensed pilot, when required by the pilotage authority by whom he is licensed, shall produce or deliver up his licence; and on the death of any licensed pilot the person into whose hands 40

his licence comes shall without delay deliver it to the pilotage authority who licensed the deceased pilot; and if any person, without reasonable excuse (proof whereof shall lie on him), fails to comply with the requirement of this section, he shall be liable to a
5 penalty not exceeding ten pounds.

474. Every licensed pilot who considers himself aggrieved by the requirement to deliver up his licence to the pilotage authority by whom he is licensed may, within one month after such requirement is made, appeal to the Trinity House, in such manner as
10 they may by byelaw direct, who may confirm or cancel such requirement, on such terms or conditions, if any, as they think just, and their decision shall be binding on all parties.

Pilot aggrieved by requirement to deliver up licence may appeal to the Trinity House.

475. The Trinity House shall, after examination by themselves or their sub-commissioners, license under their common seal pilots
15 for the purpose of conducting ships within the limits or any part of the limits of the Trinity House Pilotage District.

Trinity House to license pilots to act within certain limits. 1854, s. 370.

476. Subject to any alteration to be made by the Trinity House, the names of all pilots licensed by them shall be published in manner following:

Publication of notice of licences of pilots by the Trinity House. 1854, s. 371.

20 (1.) The Trinity House shall at their house in London fix up a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act:

(2.) The Trinity House shall transmit a copy of such notice to
25 the Commissioners of Customs in London, and to the principal officers of customs resident at all ports within the limits for which such pilot is licensed; and such notice shall be posted up by the Commissioners at the Custom House in London, and by such officers at the
30 custom houses of the ports at which they are respectively resident.

477. Subject to any alteration to be made by the Trinity House, every Trinity House pilot shall, on being licensed, execute, together with two sureties, to be approved by the Trinity House, a deed of
35 covenant to pay to the Trinity House one hundred pounds, in case of the non-observance on his part of the regulations and byelaws of the Trinity House, such deed to be free from stamp duty, and to be prepared by the Trinity House without any other charge except the actual expense of preparing the same.

Bonds to be given. 1854, s. 372.

40 478. Whenever a licensed pilot who has executed such deed of covenant becomes liable to pay damages for neglect or want of

Pilot's liability limited. 1854, s. 373.

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skill, the Trinity House, or some person appointed by them, shall as soon as may be assess the damages to be paid by such pilot, so, however, that the amount to be paid by him shall in no case exceed the amount covenanted by the deed to be paid, and the amount of pilotage dues payable to him in respect of the voyage 5 in which he was engaged when he became so liable.

If any person to whom the pilot is so liable claims an amount of damages in excess of that assessed to be paid to him under this section, such person shall after such assessment have the same remedy against the pilot for that excess as he would have 10 had if this section had not been enacted; but, save as aforesaid, no such pilot shall be liable in any proceeding for the recovery of damages for neglect or want of skill.

Continuance and renewal of licences.
1854. s. 374.

479. Subject to any alteration to be made by the Trinity House, a licence to a pilot granted by them shall not continue in force 15 beyond the thirty-first day of January next ensuing the date of such licence; but the same may, upon the application of the pilot holding such licence, be renewed on any day of January in every year, or any subsequent day, by indorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by 20 them for that purpose.

Power to revoke and suspend licences.
1854. s. 375.

480. The Trinity House shall have power to revoke or suspend the licence of any pilot licensed by them, in such manner and at such time as they think fit.

Trinity House to make regulations for a constant supply of qualified pilots at Dungeness.
1854, s. 377.

481. Subject to any alteration to be made by the Trinity House, 25 a sufficient number of licensed pilots shall always be ready to pilot ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw to be made as provided in this part of this Act, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply 30 of licensed pilots for such ships, and to insure their constant attendance upon and due performance of their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of such means, or by any other means, and whether in rotation 35 or otherwise, as the Trinity House think fit.

Rights of Pilots.

Licensed pilots unable to board, when entitled to pilotage.
1854, s. 356.

482. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board, when such last-mentioned ship cannot from particular circumstances be boarded, 40 the pilot so leading such last-mentioned ship shall be entitled to

the full pilotage dues for the distance run as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship shall keep his pilot flag flying, and such last-mentioned ship shall, while being so led, show the ensign of
5 such ship at her fore.

483. No pilot, except under circumstances of unavoidable necessity, shall, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever; and every pilot so taken shall be entitled, over and above the pilotage dues otherwise
10 payable to him, to the sum of ten shillings a day, if he was so taken under circumstances of unavoidable necessity, and otherwise of twenty shillings a day, such sums to be computed from and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and inclusive of the day of
15 his being returned in the said ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other
20 sums.

Allowance to licensed pilot taken out of his district.
1854, s. 357.

484. In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled, over and above the pilotage dues payable to him, to the sum of ten shillings a day from and inclusive of the day on which he is placed
25 in quarantine up to and inclusive of either the day on which he is discharged therefrom, or, if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return to such place; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses over
30 and above such pilotage dues and other additional sums.

Licensed pilot to be allowed payment for time during which he is kept in quarantine.

485. A licensed pilot may supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a proportionate sum for his services, and deduct the same from the charge of the licensed pilot; and in case of dispute the pilotage authority by whom the
35 licensed pilot is licensed shall determine the proportionate sums to which each party is entitled.

Power of licensed to supersede unlicensed pilot.
1854, s. 360.

486. An unlicensed pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, pilot a ship, under all or any of the following circumstances:

Occasions on which unlicensed persons may act as pilots.
1854, s. 362.

40 1. When no licensed pilot has offered to pilot such ship, or made a signal for that purpose:

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2. When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time :
3. For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unlicensed pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

Pilotage Dues.

Recovery of pilotage dues and additional sums.
1854, ss. 363, 4.

487. The provisions of part thirteen of this Act respecting the persons liable to pay dues shall extend to pilotage dues, and all pilotage dues may be recovered as a debt due to the pilot or authority to whom the same are payable ; and all sums made payable to a pilot, over and above the pilotage dues, shall be payable by the same persons and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot.

Pilotage dues.
1854, s. 380.

488. Subject to any alteration to be made by the Trinity House, there shall be paid to all Trinity House pilots, in respect of pilotage services within the London district, the pilotage dues specified in the fifteenth schedule to this Act.

Pilotage dues payable by ships trading to the port of London whereof the owners are not resident.
1854, ss. 381, 382, 383.

489. Subject to any alteration to be made by the Trinity House, and notwithstanding anything in this Act, there shall be paid in respect of every ship trading to and from the port of London which is not exempt from the payment of pilotage dues, and whereof the owner or all the owners is or are resident out of the United Kingdom, the following pilotage dues ; (that is to say,) as to a ship inwards, the full amount of dues for the distance piloted or offered to be piloted by a licensed pilot ; and as to a ship outwards, the full amount of dues for the distance for which payment of pilotage dues is required by law ; and the payment, collection, and application of such pilotage dues shall be as follows :

1. Payment of dues.
1854, s. 381.

1. Such dues shall be paid to the collector of customs in the port of London by some one of the persons by this part of this Act made liable to the payment of pilotage dues, and shall be recoverable in the same manner as other pilotage dues :

2. Collection of dues.
1854, s. 382.

2. The collector shall, on receiving such pilotage dues, give to the person paying the same a receipt in writing ; and no officer of customs shall grant a clearance or transire for any ship in respect to which such dues are payable without the production of such receipt ; and if any such ship attempts

to go to sea without such clearance or transire, any such officer may detain her until the receipt is produced :

3. The collector shall pay over all pilotage dues received by him in respect of any such ship to the Trinity House, who shall

3. Application of dues.
1854, s. 383.

5 apply the same in manner following :—

(a.) In paying to any pilot who brings proof of his having piloted or offered to pilot such ship the dues payable to him, after deducting therefrom the poundage due to the Trinity House :

10 (b.) Then in paying to any unlicensed person who brings proof of his having in the absence of a licensed pilot piloted such ship such amount as the Trinity House think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage :

15 (c.) Lastly, in paying over to the Trinity House Pilot Fund the residue, together with all poundage deducted as aforesaid.

20 **490.** Whenever any difference arises between the master and the licensed pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made, in case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to
25 discharge her cargo, and in the case of a ship outward bound before she quits her moorings, appoint some proper officer who shall measure the ship, and settle the difference accordingly : And there shall be paid to the officer measuring such ship, by the party against whom he decides, the following sums ; (that is to say,) one guinea
30 if the ship be below and half a guinea if the ship be above the entrance of the London Docks at Wapping.

Settlement of difference as to draught of ship [Trinity House].
1854, s. 384.

491. If a master, on any licensed pilot beginning or offering to pilot his ship, refuses or neglects to declare to such pilot her draught of water, or himself makes or is privy to any other
35 person making a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence not exceeding double the amount of pilotage dues which would have been payable to such pilot.

Penalty on making a false declaration as to draught of ship, or falsifying marks.
1854, s. 359.

492. If a master or any person interested in a ship makes or
40 is privy to the making of a fraudulent alteration in the marks on the stern or stern post of such ship, denoting her draught of water, he shall incur a penalty not exceeding five hundred pounds.

Penalty for falsifying marks on ship.
1854, s. 359.

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How draught to be
computed when ship
is in fresh water.

493. In computing the draught of any ship for any purpose relating to pilotage, one inch per foot shall be added when the ship is in fresh water.

Compulsory Payment of Pilotage Dues, and Exemptions therefrom.

Employment of a
pilot to be in no way
compulsory.

494. After the commencement of this Act, no owner or master of any ship shall in any case be compelled to employ or to give his ship into the charge of a pilot, notwithstanding any Act, charter, or custom making the employment of a pilot compulsory.

Payment of pilots,
when compulsory.
1854, s. 353.

495. Subject to any alteration to be made by any pilotage authority in pursuance of the power in this part of this Act in that behalf given, every ship which navigates within any of the following districts—

1. Any district in which the employment of pilots was immediately before the commencement of this Act compulsory, under any Act not repealed by any Act of the present session ;
2. The “London district” of the Trinity House, and any ports of the Trinity House outports districts in which the employment of pilots was immediately before the commencement of this Act compulsory,

20

shall pay pilotage dues, unless either—

- (a.) No licensed pilot offers his services as a pilot, or
- (b.) She is exempted under the provisions of this part of this Act from such compulsory payment of dues.

Exemptions from
compulsory payment
of pilots.
1854, s. 353.
1854, s. 379.
1862, s. 41.
See 6 Geo. 4. 125,
s. 59.

496. The following ships (called in this Act exempted ships) shall be exempted from compulsory payment of pilotage dues :

- (1.) Ships and all classes of ships before the commencement of this Act exempted from the compulsory employment of pilots :
- (2.) Ships and all classes of ships exempted or to be exempted by any pilotage authority under or by virtue of the powers given by this part of this Act, or by any public Act, or any special Act :
- (3.) Ships passing through the limits of any pilotage district in the United Kingdom on their voyages between two places both situate out of such districts ; provided that this exemption shall not apply to ships first loading or finally discharging at any place situate within any such district, or at any place situate above such district on the same river or its tributaries :

40

1. Ships exempted
from compulsory
pilotage at the time
of this Act.

2. Ships exempted
or to be exempted
by pilotage autho-
rities.

1854, s. 332.

3. Ships passing
through pilotage
district.

1862, s. 41.

1854, s. 379-6.

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- (4.) Ships trading or employed on a voyage between any two places in the United Kingdom :
- (5.) Ships trading to and from Boulogne, and to or from any place in Europe north of Boulogne :
- 5 (6.) Ships from Guernsey, Jersey, Alderney, Sark, or Man wholly laden with stone, the product of those islands :
- (7.) Ships navigating or being within the limits of the port to which they belong :
- (8.) Ships of not more than sixty tons burden :
- 10 (9.) Ships of which the master or mate has a certificate granted under the provisions of this part of this Act.

497. Every pilotage authority shall have power, by byelaw made and confirmed by Her Majesty in Council, as provided by that part of this Act, to grant to all or any ships, or all or any classes of ships, exemption from compulsory payment of pilotage dues within the district of such authority, and to annex any terms and conditions to such exemption, and to extend any exemptions for the time being in existence, by virtue of this part of this Act, or any public Act, or any special Act, or of any laws, usage, or charter, on such terms and conditions, and in such manner as such authority think fit.

498. Subject to any alteration to be made by any pilotage authority within their respective pilotage districts, under the power by this part of this Act in that behalf given, where a ship (unless she has a licensed pilot on board, or is an exempted ship,) arrives at the limits of any district within which the payment of pilotage dues is made compulsory by this part of this Act, the following provisions shall have effect :

- (1.) Until a licensed pilot has come on board, or until the ship has passed a point, line, or place from time to time fixed this behalf by the pilotage authority of the district, the ship shall display the usual signal for a pilot, (that is to say,) the jack at the fore by day and three lanterns in a vertical line by night ; and in default such ship shall be liable to pay as pilotage dues to the pilotage authority of the district a sum not exceeding double the largest amount of pilotage dues which would be payable for piloting such ship :
- (2.) If the master of such ship does not accept the services of the first licensed pilot who offers, by signal or otherwise, his services, or (in case there be two or more pilots offering their services at the same time) accept the services of such

4. Coasting ships.
6 Geo. 4. 125, s. 59.
1854, s. 379.

5. Ships trading north of Boulogne.
6 Geo. 4. 125, s. 59, and M. S. A. 1854, s. 379.

6. Stone ships from Guernsey, &c.
6 Geo. IV. 125, s. 59, and 54, s. 379.

7. Ships within their own port.
6 Geo. IV. 125, s. 59, and 1854, s. 379.

8. Ships below a certain size.
6 Geo. IV. 125, s. 59, and 1854, s. 379.

9. Ships with certificated master or mates.
1854, s. 340, and see s. 355.

Power of pilotage authorities to make and extend exemptions from compulsory payment of pilotage dues.
1854, s. 332.

Regulation respecting ship in a compulsory pilotage district.
1854, s. 378.

one of them as may be entitled by the regulations for the time being in force in such district to have his services accepted,—such ship shall be liable to pay to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his 5 services had been accepted :

(3.) All sums received by the pilotage authority in pursuance of this section shall be applied by them as follows :

- (a.) In paying all expenses incurred in obtaining payment of the same ; 10
- (b.) Then, in paying such amount (if any) as they may by any byelaw made under this part of this Act from time to time prescribe to the pilot who offered his services to the ship, and (if two pilots offered) to that one who was entitled to have his 15 services accepted ;
- (c.) And the residue shall be carried to the pilotage fund of the district.

Licensing of Masters and Mates (general).

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships.
1850, s. 340.

499. A master or mate of any ship may, upon giving due notice, 20 and consenting to pay the usual expenses, apply to a pilotage authority to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction ; and such master or mate shall thereupon be examined, and if found competent a 25 pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid ; and such certificate shall enable the person therein named to pilot 30 the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, within the limits therein described, as if he were a licensed pilot.

Renewal of pilotage certificate.
1850, s. 341.

500. Such pilotage certificate shall not be in force for more than one year, unless the same is renewed, which may from time to time 35 be done by an indorsement under the hand of the secretary or other officer of the authority by whom such certificate was granted.

The Board of Trade may examine and grant pilotage certificates to masters and mates in certain cases.
1850, s. 342.

501. If it appear to the Board of Trade, upon complaint made to them, that any pilotage authority have done any one or more of the following things : 40

1. Have refused or neglected to examine any master or mate who has applied to them for the purpose of being examined ; or,

2. After such master or mate has passed the examination, have, without reasonable cause, refused or neglected to grant him a pilotage certificate; or,
 3. Have unfairly or improperly conducted the examination of such master or mate; or,
 4. Have imposed or sought to impose unfair or improper terms upon such examination or the granting of such certificate; or,
 5. Have improperly withdrawn a pilotage certificate granted by such authority or by the Board of Trade,
- the Board of Trade may, if they think fit, appoint persons to examine, or request the Trinity House to examine, or to appoint persons to examine, such master or mate, and if, upon such examination, he is found competent, may, upon such terms and conditions and subject to such regulations as the board think fit, grant him a pilotage certificate.

502. Such certificate so granted to such master or mate by the Board of Trade shall,—

Effect of Board of Trade certificate. 1854, s. 342.

1. Contain the same particulars as would have been inserted in a certificate granted by such pilotage authority as aforesaid:
2. Have the same effect as if it had been so granted:
3. Be capable of renewal from year to year, either by such pilotage authority by an endorsement, in like manner as if it had been granted by them, or by the Board of Trade, by an endorsement thereon under the hand of some officer of the Board of Trade.

503. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority, shall pay to such authority, or as they direct, such fees upon their respective certificates and upon the renewals thereof as are from time to time fixed for that purpose by such authority, with the consent of the Board of Trade.

Fees to be paid upon such certificate and the renewals thereof. 1854, s. 343.

All masters and mates to or for whom any such certificates are granted or renewed by the Board of Trade shall pay to such board, or as they direct, such fees upon their certificates and upon the renewals thereof as may be fixed by such board, not being less than the fees payable by the licensed pilots in the same district upon their licences and the renewal thereof.

Such fees shall in the case of certificates granted or renewed by a pilotage authority be applicable either to paying the expense of the examinations, or any other general expenses connected with pilotage incurred by such authority, or to the Pilots Superannuation

Fund of the district (if any), or otherwise for the benefit of the pilots licensed by such authority, as such authority think fit.

Such fees shall in the case of pilotage certificates granted or renewed by the Board of Trade be applicable to the expense of the examinations, and the surplus (if any) shall be applied for the 5 benefit of the licensed pilots of the district to which such certificates apply, in such manner as such board think fit.

Power to withdraw
pilotage certificates,
1854, s. 344.

504. If at any time it appears to any pilotage authority or to the Board of Trade (as the case may be) that any master or mate to whom a pilotage certificate has been granted by such authority, or 10 by the Board of Trade, has been guilty of misconduct, or has shown himself incompetent to pilot his ship, they may thereupon withdraw his certificate, and such certificate shall thenceforth cease to be of any effect whatever.

No owner to be free
from liability by
reason of employing
a licensed pilot.

505. Nothing in this part of this Act shall be deemed to oblige 15 the owner or master of any ship to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise, or to exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property, on the ground either 20 of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot or on any other ground.

Offences of Pilots.

Offences of pilots.
1854, s. 365.

506. If any licensed pilot commits, either within or without the 25 district for which he is licensed, any of the following offences :

- (1.) Keeps himself, or is interested in keeping by any agent, servant, or person, any public house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea ; 30
- (2.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto ;
- (3.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, 35 or to their moneys, goods, or chattels ;
- (4.) Lends his licence ;
- (5.) Acts as pilot whilst suspended ;
- (6.) Acts as pilot when in a state of intoxication ;

- (7.) Employs or causes to be employed on behalf of any ship of which he has the charge any steamboat, boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain or for the gain of any other person ;
- (8.) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of customs ;
- (9.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship ;
- (10.) Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship ;
- (11.) Quits the ship which he has undertaken to pilot without the consent of the master, before the service for which he was hired has been performed,

such pilot, and also every person who procures, abets, or connives at the commission of such offence, shall for each offence, in addition to any liability for damages, be severally liable to a penalty not exceeding one hundred pounds, and also to suspension or dismissal by the authority by which he is licensed.

507. If any pilot, when on board any ship for the purpose of piloting her, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either

Penalty on pilot endangering ship, life, or limb.
1854, s. 366.

- (a.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship, or
- (b.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,
- he shall for each such offence be deemed guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding twelve months with or without hard labour, and, if a licensed pilot, shall

PART VII.
Pilotage.

Penalty for pilot obtaining charge of a ship by wilful misrepresentation.
1854, s. 367.

also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

508. If any person by wilful misrepresentation of circumstances, upon which the safety of a ship may depend, obtains or endeavours to be employed to pilot such ship or to obtain the charge of such ship, or procures, abets, or connives at such misrepresentation, he shall, in addition to any liability for damages at the suit of the person aggrieved, incur a penalty not exceeding one hundred pounds, and if a licensed pilot shall also be liable to suspension or dismissal by the authority by whom he is licensed. 10

Penalty on licensed pilot receiving too large dues.
1854, s. 358.

509. A licensed pilot demanding or receiving any sum in respect of pilotage services greater than the dues for the time being demandable by law shall for each offence incur a penalty not exceeding ten pounds.

Penalty on licensed pilot making improper demands in respect of salvage.

510. A licensed pilot shall not be entitled to sue for, demand, or receive any sum whatever in respect of salvage, unless with the consent and by the permission of the pilotage authority by whom he is licensed, and if any licensed pilot demands or receives any sum in respect of salvage except with the consent and permission and of the amount approved by such authority, he shall forfeit any claim to salvage, and shall be liable to suspension or dismissal by such authority. 15 20

Pilot Boats.

Pilot boats, how to be provided.
1854, s. 345.

511. All pilot boats shall be approved and licensed by the pilotage authority of the district, who may, at their discretion, appoint and remove the masters thereof. 25

Trinity House to make regulations for the management of Trinity House Pilot Boats.
Pilotage Law Amendment Act.
1853, part of s. 13.

512. The Trinity House shall have power, with the consent of the Board of Trade, to make from time to time regulations for the management and maintenance of any pilot boats belonging to any pilots for the time being, under the government of the Trinity House, and for the distribution of the earnings of any of such boats, and for the succession to and purchase and transfer of any interests therein, and such regulations shall, if and when confirmed by the Board of Trade, be binding upon all parties. 30

Characteristics of pilot boats.
1854, s. 346.

513. Every pilot boat shall have the following characteristics:— 35
(1.) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence;

(2.) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct;

5 (3.) When afloat, a flag (in this part of this Act called a pilot flag) at the mast-head or on a sprit or staff, or in some other equally conspicuous situation, such pilot flag to be of large dimensions compared with the size of the pilot boat, and to be of two colours, the upper horizontal half white, and the lower horizontal half red;

10 And the master of such pilot boat shall attend to the following particulars: first, that the pilot boat possess all the above characteristics, and that the pilot flag be kept clean and distinct, so as to be easily discerned at a proper distance; secondly, that the names and numbers aforesaid be not at any time concealed; and if default
15 be made in any of these particulars he shall for every such offence be liable to a penalty not exceeding twenty pounds.

514. Whenever a licensed pilot in the exercise of his calling as pilot goes off in a boat or ship not in the pilotage service he shall exhibit a pilot flag, in order to show that such boat or ship has a
20 licensed pilot on board; and if he fails to do so, without reasonable excuse (proof whereof shall lie on him), he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Licensed pilot to display flag though not in pilot boat.
1854, s. 347.

515. If a boat or ship, not having a licensed pilot on board, displays a pilot flag, there shall be incurred for every such offence
25 a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of such boat or ship.

Penalty on ordinary boat displaying pilot flag.
1854, s. 348.

Trinity House Pilot Fund.

516. Subject to any alteration to be made by the Trinity House, there shall continue to be paid to them, and carried over to the
30 Trinity House Pilot Fund, the sums of money following; (that is to say,)

Payments to be made to the pilot fund.
1854, s. 385.

(1.) A poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House;

35 (2.) A sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of such district;

And any licensed pilot giving a false account of his earnings, or
40 making default in payment of any sum due from him under this section, shall forfeit double the amount payable, and shall further

be liable, at the discretion of the Trinity House, to suspension or dismissal.

Application of fund.
1854, s. 386, and
Pilotage Law
Amendment Act,
1853, s. 12.

517. Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be applied as follows, in the following order ; (that is to say,)

(1.) In payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage ;

(2.) Then in the payment of all superannuation allowances or other relief which either might have been payable by the Trinity House if the Pilotage Law Amendment Act, 1853, had not passed, to pilots licensed by them before the first day of October one thousand eight hundred and fifty-three, or to the widows and children of such pilots, or are payable by the Trinity House to Cinque Port Pilots licensed before such day as aforesaid, or to the widows and children of such pilots ;

(3.) The residue shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October one thousand eight hundred and fifty-three, who are incapacitated by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

PART VIII.

LIGHTHOUSES AND SEA MARKS.

Construction of this Part.

518. In this part of this Act, unless the context otherwise requires,— Construc-
tion.

The term “lighthouse,” in addition to the ordinary meaning of the word, includes a light ship and any floating or other light exhibited for the guidance of ships:

10 The term “sea mark” means a buoy, beacon, fog signal, and any other sign of the sea.

*Management of Lighthouses and Sea Marks by General
Lighthouse Authorities.*

519. Subject to the saving of the rights of local lighthouse authorities in this part of this Act, and to the other provisions of this part of this Act, the superintendence and management of light-
houses and sea marks shall be vested,— Management
of lights to
be vested in
general
lighthouse
authorities.
1854, s. 389.

1. In England, Guernsey, Jersey, Alderney, and Sark, and the adjacent seas and islands, and Heligoland and Gibraltar, in the Trinity House:

20 • 2. In Scotland, the Isle of Man, and the adjacent seas and islands, in the Commissioners of Northern Lighthouses:

3. In Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights.

And, subject to the provisions of this part of this Act, the Trinity
25 House and those commissioners (in this Act called the general light-house authorities) shall respectively continue to hold and maintain all property at the commencement of this Act vested in them in that behalf, in the same manner and for the same purposes as they, before the commencement of this Act, held and maintained the
30 same.

520. The persons for the time being holding the following offices shall continue to be a body corporate under the name of the Commissioners of Northern Lighthouses, with a common seal; that is to say, Constitution
of Commis-
sioners of
Northern
Lighthouses.
1854, ss. 390
and 391.

35 1. The Lord Advocate and the Solicitor General for Scotland:

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*Lighthouses
and Sea
Marks.*

2. The lords provosts of Edinburgh and Glasgow, and the provosts of the cities of Aberdeen, Inverness, and Campbeltown :
3. The eldest bailies of Edinburgh and Glasgow :
4. The sheriffs of the counties of Edinburgh, Lanark, Renfrew, Bute, Argyle, Inverness, Ross, Orkney, Caithness, Aberdeen, 5 Ayr, Fife, Forfar, Wigton, Sutherland, Kincardine, Kircudbright, and Elgin, and
5. Every such provost or chief magistrate of any royal or parliamentary borough of or near any part of the coast of Scotland, and every such sheriff of any county abutting on such coast, 10 as may from time to time be elected a commissioner by the commissioners (which election the commissioners are hereby authorized to make).

Constitution
of the Com-
missioners of
Irish lights.
26 G. 3.
c. 19.

521. The following persons shall continue to be a body corporate with a common seal, under the name of the Commissioners of Irish 15 Lights (that is to say),

1. Seventeen members, elected from time to time by the Commissioners, subject to the approval of the Lord Lieutenant and Privy Council of Ireland :
2. Three Aldermen of the City of Dublin, annually nominated 20 by the Corporation of the City of Dublin :
3. The Lord Mayor of the City of Dublin for the time being :
4. The High Sheriff of the City of Dublin for the time being.

Appoint-
ment of
Commis-
sioners of
Irish lights.
26 G. 3.
c. 19. ss. 11.
to 15.

522. Whenever there is any vacancy among the elected members of the Commissioners of Irish Lights, the Commissioners, at a 25 meeting convened in the manner and with the notice in and with which their meetings are ordinarily convened, or in such other manner and with such other notice as the Lord Lieutenant of Ireland may from time to time direct, may elect a fit person to fill up the vacancy. 30

The Commissioners shall send a notice, stating the name and address and condition in life of the person so elected, to the Lord Lieutenant and Privy Council of Ireland. If within twenty-one days after the receipt of such notice the Lord Lieutenant and Privy Council signify to the Commissioners their disapproval of the 35 person so elected, the election shall be void and the Commissioners may proceed to elect another person in the same manner as if there had been no previous election.

If the Lord Lieutenant and Privy Council signify their approval of the person so elected, or fail within the said twenty-one days to 40 signify their disapproval, the person so elected shall be a Commissioner of Irish Lights.

A Commissioner may resign his office by notice in writing sent to the Commissioners, and if during three consecutive months a Commissioner is absent from all meetings of the Commissioners except on account of illness, or some reasonable cause previously
5 approved by the Commissioners by an entry in their minutes, such Commissioner shall cease to be a Commissioner and his office shall be vacant.

The term "Lord Lieutenant" in this section includes any chief governor or governors of Ireland for the time being.

10 **523.** The Trinity House, their engineers, workmen, and servants, may at all times enter any lighthouse in the district of either of the other general lighthouse authorities, and any lands or buildings held or occupied by such authority, to view the condition thereof, or
15 otherwise for the purposes of this Act, and may at all times inspect and examine all lighthouses and sea marks in the district of either of those authorities.

Power of Trinity House to inspect lighthouses in district of other general lighthouse authorities.

1854, s. 392.

524. The general lighthouse authorities and their respective officers shall at all times give to the Board of Trade such returns, explanations, and information in relation to the lighthouses and
20 sea marks within their district as the Board may from time to time require.

Returns to be made to the Board of Trade.

1854, s. 393.

525. The Board of Trade, on complaint to the effect that any lighthouse or sea mark under the management of any general lighthouse authority, or any work connected therewith, is inefficient
25 or improperly managed or unnecessary, may authorize any person to inspect the same; and every person so authorized may inspect the same accordingly, and make such inquiries in respect thereof and of the management thereof, as he thinks fit; and all officers and others having the care or concerned in the management of such
30 lighthouse or sea mark shall furnish all such information and explanations in relation thereto as he may require.

Board of Trade may appoint persons to inspect lighthouses, &c.

1854, s. 393.

Construction of new Lighthouses and Sea Marks by General Lighthouse Authorities.

526. Each general lighthouse authority shall within their district
35 have power (subject, however, as regards the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the regulations contained in the sixteenth schedule to this Act,) to do all or any of the following things:

Power of general lighthouse authorities to erect, place, and alter lighthouses, &c.

1854, s. 404.

1. To construct and place new lighthouses or sea marks, with all
40 requisite works, approaches, and appurtenances, and alter and remove any existing lighthouses and sea marks:

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and
Sea Marks.

2. To purchase and hold any land, or any estate, interest, right, privilege, or easement in, over, or affecting, or belonging to land, which may be necessary or convenient for the construction, placing, alteration, or removal of such lighthouses or sea marks, or for the maintenance of works connected with the same, or for the residence or use of light keepers, crews of light vessels, or attendants on or other persons engaged in the service of lighthouses or sea marks : 5
3. To vary the character of any lighthouse, or the mode of exhibiting lights therein : 10
4. To sell any land (or any estate, interest, right, privilege, or easement in, over, affecting, or belonging to land which belongs to such lighthouse authority) :
5. To put an end to and to compound for all continuing payments or other burdens incurred in the purchase, before or after the commencement of this Act, of any land, or estate, interest, right, privilege, or easement in, over, or belonging to land, as aforesaid, and charged upon the Mercantile Marine Fund. 15

Power of
Trinity
House, with
sanction of
Board of
Trade, to
compel any
execution of
works by
the general
lighthouse
authorities.
1854, s. 405.

527. The Trinity House shall have power to direct either of the other general lighthouse authorities to do the following works in the district of such authority :

1. To continue any existing lighthouses or sea marks :
2. To construct or place any new lighthouses or sea marks, or remove any existing lighthouses or sea marks : 25
3. To vary the character of any lighthouse, or the mode of exhibiting lights therein :

But no such directions shall be issued to either of such general lighthouse authorities until the sanction of the Board of Trade to the issue thereof has been obtained by the Trinity House, nor except in accordance with the regulations contained in the seventeenth schedule to this Act. 30

Incorporation of
Lands
Clauses
Acts.
1854, s. 412.

528. The Lands Clauses Acts are hereby incorporated in this part of this Act, and shall apply to all lighthouses, lights, and sea marks to be constructed or placed, and to all land to be purchased, under the powers of this part of this Act, and so far as regards the sale of superfluous land to all land held by any general lighthouse authority ; and the provisions of those Acts which would be applicable in the case of a purchase of any land or sale of superfluous land shall be applicable in the case of the purchase or sale of any estate, interest, right, privilege or easement in, over, affecting or belonging to land ; and for the purposes of this part of this Act 40

the expression "the promoters of the undertaking" and the "special Act" shall, whenever used in the said Acts so incorporated, mean respectively the "general lighthouse authorities" and "this part of this Act;" but nothing in this part of this Act shall authorize
5 the purchase or taking of any lands otherwise than by agreement.

529. For the purposes of the construction and repair, and of extraordinary expenses connected with the services of lighthouses or sea marks, the Board of Trade may raise money by mortgaging the mercantile marine fund, and the payments to be carried thereto
10 under Part XV. of this Act, or any of them, or any part thereof, to any person; and every such mortgage shall be in such form and under the hand and seal of such person as the Board of Trade from time to time direct; and no person lending money upon such mortgage shall be bound to see to the purpose for which the same is
15 raised or the mode in which it is applied.

The Treasury may from time to time, on the security of any mortgage authorized by this section, advance to the Board of Trade, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money, upon such terms, and at such rate of interest
20 as the Treasury think fit, and may pay the same into the mercantile marine fund account; so, nevertheless, that the whole sum for the time being due in respect of such advances shall never at any one time exceed two hundred thousand pounds. All sums so advanced, and the interest thereon, shall be a charge on the mercantile marine fund,
25 and on the payments to be carried thereto under this Act; and the Board of Trade shall make such provision for the repayment thereof out of the mercantile marine fund as the Treasury require.

The Public Works Loan Commissioners may, in accordance with the provisions of the Acts relating to them, out of moneys at their
30 disposal for the purposes of harbours, advance money on the security of any mortgage authorized by this section without requiring any further security than such mortgage.

No advances by the Treasury or the Public Works Loan Commissioners, shall prevent any lawful reduction assented to by the
35 Treasury, or such commissioners, as the case may be, of all or any of the payments which are required by Part XV. of this Act to be carried to the mercantile marine fund.

General Light Dues.

530. Subject to any alterations to be made under the powers of
40 this part of this Act, each general lighthouse authority shall, in respect of lighthouses, and sea marks within their district, continue
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General
light dues to
be levied.
1854, s. 396.

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*Lighthouses
and
Sea Marks.*

to levy dues (in this Act called general light dues) at the rate at which the same are levied at the commencement of this Act; and such dues shall be payable in respect of all ships, except ships or classes of ships exempted from the payment thereof at the commencement of this Act, or exempted under or by virtue 5 of this Act.

Powers of
general
lighthouse
authorities
to alter and
regulate
dues.
1854, s. 398.

531. Each general lighthouse authority shall have power, by bye-law confirmed by Her Majesty in Council, to do from time to time all or any of the following things :

1. To exempt any ships or classes of ships from the payment of 10
general light dues for the time being payable to such
authority, and to annex any terms or conditions to such
exemptions :
2. To fix and alter the times, places, and modes at and in which
the general light dues payable to such authority are payable, 15
and generally to make regulations respecting the payment
thereof :
3. To substitute any other dues or classes of dues, whether by
way of annual payment or otherwise, in respect of any ships
or classes of ships, for the general light dues for the time 20
being payable to such authority :
4. To alter and revoke anything done under the foregoing pro-
visions of this section.

Publication
of dues and
regulations.
1854, s. 399.

532. A table of all general light dues due to each general light-house authority, with a copy of the regulations for the time being 25
in force in respect thereof, shall be kept at every custom house
where light dues are collected on account of such lighthouse
authority ; and every general lighthouse authority shall from time
to time furnish copies of such tables and regulations gratis to the
Commissioners of Customs in London, and to the principal officer 30
of every such custom house ; and such copies shall be posted up
in such custom house or otherwise kept open at all reasonable times
to the inspection of every person liable to the payment of any such
dues.

General
light dues to
be collected
and ac-
counted for.
1854, s. 402.

533. Every person appointed by any general lighthouse authority 35
to collect general light dues shall collect all general light dues at
the port to which he is so appointed, whether the same be collected
on account of the authority by whom he is appointed or of one
of the other general lighthouse authorities, and shall pay over to
the general lighthouse authority by whom he is appointed, or as 40
they direct, the whole amount of light dues received by him.

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*Lighthouses
and Sea
Marks.*Application
of general
light dues.
1854, s. 403.
Power of
Her Majesty
to revise
general
light dues.
1854, s. 397;
1854, s. 410.

534. All general light dues coming into the hands of any general lighthouse authority under this part of this Act shall be carried to the account of the mercantile marine fund in this Act mentioned, and shall be dealt with in the manner in this Act prescribed.

535. It shall be lawful for Her Majesty from time to time by Order in Council to do the following things; namely,

1. To vary, by way of reduction or increase, all or any of the general light dues for the time being payable; so, however, that no such dues payable in respect of any lighthouse or sea mark in existence at the commencement of this Act be made to exceed the amount which has at any time before the commencement of this Act been payable in respect thereof, or to which such dues might during any part of such time lawfully have been raised :

2. To fix, upon the completion or placing of any new lighthouse or sea mark within the district of any general lighthouse authority, the general light dues to be paid in respect of every ship which passes the same or derives benefit therefrom, and to alter, by way of reduction or increase, from time to time, the amount of such dues.

2. To fix
general light
dues for new
lighthouses.
1854, s. 410.

536. With respect to the liability for the payment of and the recovery of general light dues, the following provisions shall have effect within the district of any general lighthouse authority :

Liability for
and recovery
of light
dues.

1. The provisions contained in Part XIII. of this Act with respect to the liability of persons to dues shall extend to general light dues :

1862, ss. 44,
45 ;
1854, ss. 400,
401.

2. In default of payment such light dues may be recovered in the same manner as penalties of the like amount may be recovered under this Act :

1. Persons
liable to pay
light dues.
1862, ss. 44,
45.

3. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and no officer of customs at any port at which general light dues are payable in respect of any ship shall grant a clearance or transire for any such ship unless the receipt for such light dues is produced to him.

3. Receipt
for light
dues.
1854, s. 400.*Local Lighthouse Authorities.*

537. Every local lighthouse authority may from time to time within their district, with the approval of the general lighthouse authority within whose district the local lighthouse authority acts, but not otherwise, construct and place all necessary and proper

General
power of
local light-
house autho-
rity.

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lighthouses and sea marks, and vary the character of any lighthouse or sea mark constructed or placed before or after the commencement of this Act, or the mode of exhibiting lights in any lighthouse, or otherwise, and discontinue any lighthouse or sea mark ; but nothing in this section shall prevent a local lighthouse authority 5 from laying down any buoy for merely temporary purposes, or from discontinuing the same as occasion requires.

Construction of new Lighthouses, &c. by Local Authorities.

Local light
 dues to be
 fixed and
 varied by
 Order in
 Council.
 1862, s. 46.

538. In case any lighthouse or sea mark is constructed or placed, or reconstructed or replaced, by any lighthouse authority, 10 either within or without the limits of their jurisdiction, it shall be lawful for Her Majesty in Council to do all or any of the following things :—

1. Upon application of such local lighthouse authority, to fix the dues (in this Act called local light dues) to be paid to 15 them in respect of every ship which enters the port or harbour under the jurisdiction of such local lighthouse authority, or the estuary within which such lighthouse or sea mark is situate, and which passes such lighthouse or sea mark and derives benefit therefrom : 20
2. To vary from time to time, by way of reduction or increase, all or any of the local light dues for the time being payable to any local lighthouse authority :

so that in each case such dues may, so far as is practicable, be sufficient, and not more than sufficient, for the payment of the 25 expenses incurred by such local lighthouse authority in respect of the lighthouse or sea mark in respect of which such dues are levied.

With regard to Orders in Council made on the application of a local lighthouse authority under the powers of this section the regulations contained in the sixteenth schedule to this Act shall be 30 observed.

Application
 of such local
 light dues.
 1862, s. 47.

539. All local light dues leviable by any local lighthouse authority under or by virtue of this Act shall be applied to the construction, placing, maintenance, or improvement of the lighthouse or sea mark, or the system of lighthouses or sea marks, in respect of which the 35 same are levied, and to no other purpose.

Account to
 be given of
 local dues.
 1862, s. 47.

540. Every local lighthouse authority to whom such local light dues are paid shall keep a separate account of the receipt and expenditure of such dues, and shall, when required by the Board of Trade, once at least in every year, or at such other intervals 40 as the Board of Trade determine, send a copy of such account

to the Board of Trade, in such form, and accompanied by such particulars in relation thereto, as the Board of Trade from time to time require.

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and Sea
Marks.*

541. The local light dues for the time being payable under any Order in Council shall be payable by the same persons and shall be recoverable in the same manner as general light dues under this part of this Act.

Payment
and recovery
of local light
dues.

Control of General over Local Authorities.

542. Every local lighthouse authority and their officers shall at all times give to the general lighthouse authority within whose district they act all such returns, explanations, or information in relation to the lighthouses or sea marks under their management as such general lighthouse authority from time to time require.

Returns to
be made by
the local
authorities
to the gene-
ral autho-
rity.
1862, s. 43.

543. Each general lighthouse authority, themselves or by their officers, shall from time to time inspect all lighthouses and sea marks situate within their district, but belonging to or under the management of any local lighthouse authority, and make such inquiries in respect thereof and concerning the management thereof as they think fit, and for that purpose may at all times enter any such lighthouse, or any building or land used in connexion therewith, or with such sea mark.

Inspection
of lights, &c.
by general
authority.
1862, s. 43.

- The local lighthouse authority, and all officers and others having the care of such lighthouses or sea marks, or concerned in the management thereof, shall furnish all such information and explanations in relation thereto as such general lighthouse authority or their inspecting officers may require. The general lighthouse authority shall communicate to each local lighthouse authority the results of such inspection, and shall make general reports of their results of the inspection to the Board of Trade, who shall lay the same before both Houses of Parliament.

544. Each general lighthouse authority may, on giving reasonable notice of their intention to exercise the powers of this section, and with the approval of the Board of Trade, by a written requisition, require any local lighthouse authority within their district to do all or any of the following things :

Control of
general
authorities
over local
authorities.
1854, ss. 394,
395.

1. To place or exhibit any sea mark :
2. To discontinue any lighthouse or sea mark :
3. To vary the character of any lighthouse or the mode of exhibiting lights therein :
4. To vary any sea mark not placed or exhibited for merely temporary purposes :

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Marks.*

Transfer to
general
lighthouse
authority
of powers of
local light-
house autho-
rity on
default of
latter.

M.S.A.
1854, s. 395.

5. To maintain in a proper or efficient state any lighthouse or sea mark at any place within the district of such general lighthouse authority.

545. If any local lighthouse authority fail to comply with such requisition, it shall be lawful for Her Majesty, by Order in Council, 5 if it seem fit, to transfer to such general lighthouse authority the power which the local lighthouse authority have failed to exercise in respect of any lighthouse or sea mark, and such lighthouse or sea mark, and the land and property belonging thereto or used therewith, and the dues payable in respect of the same, and to fix, and from 10 time to time vary, by way of reduction or increase, the amount of dues payable in respect of such lighthouse, light, or sea mark.

On such Order in Council being made, such powers, land, property, and dues shall, without any conveyance or act in the law, be transferred to and vested in such general lighthouse authority, and the 15 dues so transferred shall be payable to and recoverable by such general lighthouse authority, in the same manner as if they were general light dues. Such general lighthouse authority shall further have power to recover, as a debt due to them from such local light- house authority, all expenses incurred in doing any of the things 20 which the local lighthouse have failed to do, upon the requisition of such general lighthouse authority.

Surrender of Local Lighthouses.

Local light-
houses may
be surren-
dered to
general
lighthouse
authority.

1854, s. 413.

546. Any local lighthouse authority holding any lighthouse or sea mark at any place within the district of any general lighthouse 25 authority may, if they think fit, surrender or sell the same to such general lighthouse authority, who may, with the consent of the Board of Trade, accept or purchase the same, the purchase money (if any) to be paid out of the Mercantile Marine Fund in this Act mentioned; and thereupon such lighthouse and its appurtenances, 30 or such sea mark, as the case may be, shall become vested in such general lighthouse authority, and such authority shall be entitled to receive all dues lawfully payable in respect thereof at the time of such surrender or sale, or, if Her Majesty, by Order in Council, so directs, such dues as might be fixed and made payable if the same 35 were a new lighthouse or sea mark; and such lighthouse or sea marks, and the dues payable in respect thereof, shall, after such surrender or sale, be subject in all respects to the same regulations as other lighthouses and sea marks and general light dues provided for by this part of this Act. 40

*Saving.*PART VIII.
*Lighthouses
and Sea
Marks.*

* 547. Subject to the powers by this part of this Act vested in the general lighthouse authorities, all powers and rights at the commencement of this Act lawfully enjoyed or exercised otherwise than
5 under the Merchant Shipping Act, 1854, or the Acts amending the same, by any local lighthouse authority, shall be continue to be enjoyed by such authority.

Saving of
rights of
local light-
house autho-
rity.

548. No dues for any lighthouse or sea mark to be erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney
10 shall be taken in the said islands of Guernsey or Jersey without the consent of the states of the said islands respectively; and no powers by this part of this Act given to the Trinity House in respect of any lighthouse or sea mark constructed or placed in the islands of Guernsey or Jersey, or hereafter to be constructed or placed in such
15 islands, shall be exercised without the consent of Her Majesty in Council.

Exercise of
powers in
Channel
Islands.
1854, s. 411.

Colonial Lighthouses and Sea Marks.

549. Where any lighthouse or sea mark has been or is, before or after the commencement of this Act, constructed or placed on or
20 near the coast of any British possession other than the Isle of Man and the Channel Islands, by or with the consent of the legislature of that possession, it shall be lawful for Her Majesty, by Order in Council, to fix such dues (in this Act called colonial light dues) to be payable in respect thereof as to Her Majesty may seem
25 reasonable, and in like manner from time to time to increase, diminish, or repeal such dues, and from the time specified in any such order for the commencement of any dues leviable thereunder the same shall be leviable throughout Her Majesty's dominions in respect of every ship which passes such lighthouse or sea mark,
30 and derives benefit therefrom, in the manner in this Act provided.

Her Majesty
may fix
dues for
colonial
lighthouses.
18 & 19 Vict.
c. 91. s. 2.

550. No colonial light dues shall be levied in any British possession, other than the Isle of Man and the Channel Islands, until the legislature of such possession has, either by address to the Crown or by Act or Ordinance, signified the opinion of such legislature that
35 the same ought to be levied in that British possession.

Consent of
legislature
to dues in
colony.
18 & 19 Vict.
c. 91. s. 3.

551. Colonial light dues shall be payable by the same persons and recoverable in the same manner as general light dues are under this part of this Act.

Payment of
colonial dues.

552. Colonial light dues shall in the United Kingdom be
40 collected by the same persons, by the same means, in the same
[267.] B b 2

Mode of col-
lecting colo-
nial light
dues.

PART VIII.
*Lighthouses
and Sea
Marks.*

18 & 19 Vict.
c. 91. s. 4.

manner, and subject to the same conditions, as far as circumstances permit, as the general light dues leviable under this Act are collected, and shall in each British possession be collected by such persons as the governor of the possession appoints for the purpose, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, as the general light dues leviable under this Act, or by such other means, in such other manner, and subject to such other conditions as the legislative authority in such possession directs.

Colonial
light dues to
be paid to
the Pay-
master
General.
18 & 19 Vict.
c. 91. s. 5.

553. All colonial light dues levied under this part of this Act shall be paid over to Her Majesty's Paymaster General at such time and in such manner as the Board of Trade from time to time direct, and shall be applied, paid, and dealt with by him, for the purposes prescribed by this part of this Act, in such manner as the Board of Trade direct.

Application
of colonial
light dues.
18 & 19 Vict.
c. 91. s. 6.

554. All colonial light dues shall, after deduction of the expenses of collection, be applied towards defraying the cost of the construction, placing, and maintenance of the lighthouse or sea mark, or the system of lighthouses or sea marks, in respect of which the dues are levied, and for no other purpose.

Power to
borrow
money on
security of
colonial
light dues.
18 & 19 Vict.
c. 91. s. 7.

555. For the purpose of constructing or placing, or reconstructing, repairing, or replacing, any such lighthouse or sea mark, the Board of Trade may raise, on the security of the dues to be levied in respect thereof, such sums of money as they think fit; and the Commissioners of Her Majesty's Treasury, out of any money provided by Parliament, the Public Works Loan Commissioners, out of any monies at their disposal for the purposes of loans to harbours, and any other person or body, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, as advances may be made under this part of this Act on the security of the Mercantile Marine Fund for the construction and repair of lighthouses in the United Kingdom.

Account for
each light-
house to be
kept, and
abstracts
thereof laid
before Par-
liament.
18 & 19 Vict.
c. 91. s. 8.

556. Accounts shall be kept of all sums expended in the construction, placing, reconstruction, repair, and maintenance of every lighthouse and sea mark in any British possession for which dues are levied under this Act, and of the dues received in respect thereof, in such manner as the Board of Trade from time to time direct, and shall be audited in such manner as Her Majesty by Order in Council from time to time directs, and for the purpose of such audit may be deemed to be public accounts; and abstracts

thereof, with the report of the auditors (if any), shall be laid annually before both Houses of Parliament.

PART VIII.
*Lighthouses
and Sea
Marks.*

False Lights and Damage to Lighthouses.

557. Every person who unlawfully and maliciously cuts away, casts adrift, removes, alters, defaces, sinks, or destroys, or who does any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or who in any other manner unlawfully and maliciously injures or conceals, any light ship, floating light, or sea mark, shall be guilty of felony, and if convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and if a male under the age of sixteen years with or without whipping.

Removing
or concealing
sea marks.
24 & 25 Vict.
c. 97. s. 48.

558. Every person who injures any light house or sea mark, or masks, alters, removes, runs foul of, or destroys any light house, or light therein, or any sea mark, or who unlawfully exhibits any false light or sea mark, with intent to bring any ship or boat into danger, or who maliciously does anything tending to the immediate loss or destruction of any ship or boat, shall be guilty of felony, and on conviction thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and if a male under the age of sixteen years with or without whipping.

Exhibiting
false signals.
17 & 18 Vict.
c. 104. s. 414.
24 & 25 Vict.
c. 97. s. 47.

Every person who wilfully or negligently does any of the acts mentioned in this section, or rides by or makes fast to any lighthouse or sea mark, shall, in addition to the expenses of making good any damage so occasioned, be liable to a penalty not exceeding fifty pounds.

559. Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose district such place is situate may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice direct such owner or person, within a reasonable time therein specified, to extinguish or effectually screen such existing light, and to prevent for the future any similar fire or light; and

General
lighthouse
authorities
may prohibit
false lights.
1854, s. 415.

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*Lighthouses
and Sea
Marks.*

any owner or person disobeying such notice shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding one hundred pounds.

If not obeyed
they may
abate such
lights.
1854, s. 416.

560. If any owner or person served with such notice neglects 5
for a period of seven days to extinguish or effectually screen the fire
or light therein mentioned, it shall be lawful for the general light-
house authority within whose district the same is, by their servants 10
or workmen, to enter upon the place whereon the same is, and
forthwith extinguish such fire or light, doing no unnecessary
damage; and all expenses incurred by such authority in such
extinction may be recovered from such person or owner in the
same way as penalties are by this Act made recoverable.

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Conservancy.

CONSERVANCY.

Preliminary Inquiries.

561. Whenever after the end of the present session application is made by way of petition to Parliament for statutory powers to construct any work on, in, or over tidal lands, or a tidal water, or the seashore below low-water mark, the following provisions shall have effect:—

On application to Parliament for Act to authorize works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries.
14 & 15 Vict. c. 49.

10 (1.) The petitioners shall deposit at the office of the Board of Trade, in addition to any plans or documents there deposited in compliance with the standing orders of either House of Parliament, such statements, plans, and documents as the Board of Trade require :

15 (2.) The Board of Trade may, if it seems expedient, appoint a competent person to be an inspector, for the purpose of inquiring, in such manner and at such time and place as the Board direct, into any matter relative to the application :

20 (3.) For the purposes of the inquiry, the inspector shall have the same powers as to the summoning and examination of witnesses as an inspector of the Board of Trade appointed under Part XIV. of this Act; and all the provisions of that part shall apply accordingly :

25 (4.) Before instituting any such inquiry the Board of Trade may, if they think fit, require and take security, by way of recognizance to Her Majesty, for the payment of the whole or any part of the expenses to be incurred by them in respect of the inquiry, including the remuneration of the inspector.

30 562. With respect to the same applications the following provisions also shall take effect:—

Like power for Admiralty where interests of Naval Service affected.
25 & 26 Vict. c. 69. s. 4.

35 (1.) In each year the Board of Trade shall furnish to the Admiralty a list of all such applications as aforesaid then pending, with a short statement of the nature of the works for the construction whereof powers are sought in each case :

40 (2.) Where in any case, on consideration of the information so furnished, the Admiralty are of opinion that it is proper for them to take steps with a view to the protection of the interests of Her Majesty's Naval Service, they may exercise the like powers as are in this part of this Act

given to the Board of Trade; and in that case the provisions of this part of this Act relating to preliminary inquiries shall apply to the Admiralty and any inspector appointed by them, whether the standing orders of either House of Parliament have or have not required any 5 documents to be deposited at the Admiralty Office.

Deposit of
plans with
Board of
Trade under
23 & 24 Vict.
c. 152. s. 41.,
25 & 26 Vict.
c. 69. s. 7.

563. With respect to any application to be hereafter made under The Tramways (Ireland) Act, 1860, section forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty, and as if the provisions of this part of this 10 Act relating to preliminary inquiries were therein incorporated instead of The Preliminary Inquiries Act, 1851.

Regulations as to Works.

Restriction
on works
affecting
harbours or
navigation,
under statu-
tory powers.
8 & 9 Vict.
c. 20. s. 17.,
8 & 9 Vict.
c. 33. s. 17.,
10 & 11 Vict.
c. 27. ss. 12,
13.

564. Where any person has a right to construct any work on, in, over, through, or across tidal lands, or a tidal water, or the sea- 15 shore below low-water mark, by virtue of statutory powers for that purpose obtained, the following provisions shall have effect:

- (1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work: 20
- (2.) The work shall not be constructed or commenced otherwise than according to a plan approved by the Board of Trade:
- (3.) When the work is constructed it shall not be altered or extended without the approval of the Board of Trade:
- (4.) Where the land on which the work is to be constructed 25 belongs to Her Majesty in right of her Crown, and is under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, such person shall, before commencing the construction of the work, give at least one month's notice in writing to such 30 commissioners, stating the nature and position of the proposed work; and shall not enter on, take, or use any of such land without the consent in writing of the said commissioners, or one of them, on behalf of Her Majesty, which consent they or he may give: 35
- (5.) If any alteration in any part of the original plans and sections deposited in relation to the work is sanctioned by the special Act, then before commencing the construction of the work, such person shall deposit a partial plan and section similar to the original, but showing the alteration, 40 with every clerk of the peace, sheriff clerk, town clerk,

clerk of poor law union, parish clerk, and schoolmaster (as the case may be) with whom that part of the original was required to be deposited, and also with the Board of Trade :

- 5 (6.) If any person acts in any respect in contravention of any provision of the present section in relation to any work, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition.
- 10 **565.** Where any person is desirous of constructing any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, claiming a right to construct the same otherwise than by virtue of statutory powers for that purpose obtained, the following provisions shall have effect :—
- 15 (1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work :
- (2.) Any person failing to make such deposit shall be liable to a penalty not exceeding two hundred pounds, to be recovered by the Board of Trade, and to go to the use of Her Majesty :
- 20 (3.) If it appears to the Board of Trade that the proposed work will not be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may approve the deposited plan, with or without modification or addition, and subject or not to any restriction or condition ; and the work shall not be constructed otherwise than according to such approval, and when constructed shall not be altered or extended without the like approval ; but any such approval shall not confer on any person any right to construct, alter, or extend any work which, independently thereof, he or they would not have had :
- 25 (4.) If it appears to the Board of Trade that the proposed work would be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may withhold approval of the deposited plan, and thereupon it shall not be lawful for such person to construct such work :
- 30 (5.) If, nevertheless, in any such case, but for the present section, such work might have been lawfully constructed according to the deposited plan, and such person would

Restriction
on works
affecting
harbours or
navigation,
where there
are no statu-
tory powers.
40 G. 3.
c. 153.

have had a right to construct the same, he or they shall be entitled, on proof of the lawfulness of the work according to the deposited plan, and of his right to construct the same, to receive from the Board of Trade (*out of money to be provided by Parliament for the purpose*) compensation for any loss or damage sustained by him or them by reason or in consequence of the Board of Trade requiring any modification of or addition to the deposited plan, or imposing any restriction or condition, or withholding approval of the deposited plan; the title to and amount and application of that compensation to be determined in the manner provided by the Lands Clauses Acts, for determination of the title to and amount and application of compensation for lands injuriously affected. 5 10

If any person constructs any work in contravention of any provision of the present section, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition. 15

Lights on
works.
25 & 26 Vict.
c. 19. s. 11.,
26 & 27 Vict.
c. 92. s. 13.

566. Every person constructing, altering, or extending any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, shall on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at his own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near such work, when completed, always maintain, exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve. 20 25 30

If any person fails to comply in any respect with the provisions of this section he shall, for each night on which he so fails, be liable to a penalty not exceeding twenty pounds.

Approval
of Board of
Trade to
plans for
bridge over
tidal river.
26 & 27 Vict.
c. 92. s. 14.

567. Where a person authorized or required by statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-three to construct a bridge or other work over a navigable tidal water, and the special Act conferring such powers does not make express provision respecting the span or spans thereof, then such person shall construct the same span or spans of such headway and waterway, and with such opening span or spans (if any), and according to such plan, as the Board of Trade direct or approve. 35 40

568. Where a bridge is constructed by virtue of statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-four with an opening span, it shall not be lawful to detain any ship or boat at the bridge or work for a longer time
 5 than may be necessary for admitting an engine, carriage, or other vehicle approaching the bridge to cross the bridge, and for opening the bridge to admit the ship or boat to pass; and the person constructing, owning, or managing such bridge shall be subject to and shall abide by such regulations with regard to the user of the
 10 bridge as may from time to time be made by the Board of Trade.

If such person detains a ship or boat longer than the time aforesaid, or fails in any respect to abide by any such regulation as aforesaid, he shall for every such offence be liable to a penalty not exceeding twenty pounds, without prejudice to any remedy against
 15 him for any loss or damage sustained by any person.

569. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three cuts off access between the land and tidal water or tidal lands, then and in every such case
 20 the person constructing such work shall, during the construction thereof, and from time to time thereafter, make and shall permanently maintain, and allow to be used by all persons, at all times, free of toll or other charge, all such footways and carriageways over, under, or across the work, or on a level therewith, as the Board of
 25 Trade from time to time direct or approve; Provided always, as follows:

(1.) Such person shall not be obliged to make a footway or carriageway over lands for the use of any owner or occupier who has agreed to receive and has been paid compensation for the severance thereof from the tidal water or tidal
 30 lands:

(2.) The company shall not be obliged to make or to allow to be made a footway or carriageway in such manner as would interfere with the working or using of the work:

35 (3.) The expense of the making and maintenance of a footway or carriageway required to be made after the construction of the work shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

40 Where the footway or carriageway is made across a railway on the level, then the manner of the making and watching of the level crossing shall be subject to the approval of the Board of Trade; and

PART IX.
*Conservancy.*26 & 27 Vict.
c. 92. s. 17.Provision for
preventing
deviation of
works along
sea or tidal
river with-
out consent
of Board of
Trade.

where the level crossing is made after the construction of the railway, then all expenses attending the watching thereof shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

570. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three skirts a public navigable tidal water, the work shall not deviate from the continuous centre line thereof marked on the plan deposited at the office of the Board of Trade, even within the limits of deviation shown on that plan, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as may be expressly authorized by the Board of Trade.

If any deviation is made in contravention of the present section, the Board of Trade may, at the expense of the person constructing the work, abate and remove the work in the construction whereof the deviation is made, or any part thereof, and restore the site thereof to its former condition.

Power for
abatement
of works
disused.
26 & 27 Vict.
c. 92. s. 18.

571. If any work which is, by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three constructed on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, is abandoned or suffered to fall into decay, the Board of Trade may, at the expense of the person liable to repair and maintain it, abate and remove it or any part of it, and restore the site thereof to its former condition.

Power for
local survey.
26 & 27 Vict.
c. 92. s. 19.

572. If at any time the Board of Trade deem it expedient for the purposes of any special Act or of this part of this Act to order a survey and examination of any work which is, by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three constructed on, in, over, through, or across tidal lands or water, or the seashore below low-water mark, or of the intended site of such work, the person constructing or proposing to construct the work, or liable to repair and maintain it, shall defray the expenses of such survey and examination.

Restriction
on deposit of
ballast or
rubbish.
19 G. 2. c. 22.
ss. 1, 2,
54 G. 3. c. 159.
ss. 11, 12,
13, 15.*Obstructions to Navigation.***573.** If any person,—

- (1.) casts or causes to be cast, or suffers to fall, either from on board ship or from land, any ballast, or any stone, slate, gravel, earth, cinders, rubbish, or other substance, on

tidal lands, or into any harbour, or tidal water, or into the sea below low-water mark, so as to be or tend to the injury of navigation; or

- (2.) casts or causes to be cast any ballast, or any stone, slate, gravel, earth, cinders, rubbish, or other substance, on land in a position where the same may be liable to fall or descend or to be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any harbour, or tidal water, or into the sea, so as to be or tend to the injury of navigation;—

he or they shall for every such offence be liable to a penalty not exceeding *twenty pounds*, and shall also be liable to pay the expenses of the removal to a proper position of any such ballast, stone, slate, gravel, earth, cinders, rubbish, or other substance.

Any such penalty may be recovered only on the prosecution of the Board of Trade, or of the harbour authority or conservancy authority having jurisdiction at the place where the offence is committed, or the injury to navigation is or would be produced, acting with the consent of the Board of Trade.

The amount of any such expenses may be recovered, with costs, as a penalty is recoverable under this Act.

Nothing in the present section shall restrict the exercise of any statutory power vested in any person.

574. In the following cases, that is to say,—

- (1.) Where there is any obstruction which injures or tends to the injury of navigation in any harbour or tidal water, or in the sea, whether such obstruction is wreck, or any ship or boat laid by or neglected as unfit for sea service, or any floating or other timber, or any thing, and whether such obstruction is left, placed, sunk, or abandoned on any tidal lands, or in any harbour or tidal water, or in the sea, or otherwise; and

- (2.) Where any ship or boat is sunk or stranded or abandoned in any harbour or tidal water on on the seashore;

the following provisions shall have effect:—

- (1.) The owner of such obstruction, ship or boat shall with all reasonable speed remove the same:
- (2.) If the owner, within seven days after notice in writing from the proper authority requiring him to remove the same, fails to do so, the proper authority shall remove the same, and do all things necessary for clearing from obstruc-

Removal of wrecks and obstructions to navigation.
19 G. 2.
c. 22. s. 3.,
54 G. 3.
c. 159. ss. 17, 19.

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tion the tidal lands, harbour, tidal water, sea, or seashore affected, and shall recover all expenses so incurred (in this section referred to the expenses of removal) in manner provided in this section :

- (3.) The proper authority shall be the harbour authority or conservancy authority having jurisdiction over the place where such obstruction, ship, or boat may be, or, if there is no such authority, the general lighthouse authority of the district :
- (4.) If the harbour or conservancy authority fail, within fourteen days after notice in writing [from the general lighthouse authority of the district, to remove such obstruction, ship, or boat, the general lighthouse authority may remove the same, and shall be deemed to be the proper authority for that purpose :
- (5.) The proper authority, in removing any obstruction, ship, or boat, may destroy, take possession of, and sell the same, including the tackle of and any goods in any ship or boat, and may, out of the proceeds of the sale (if any), pay the expenses of removal, and shall render the overplus (if any) to the owner of such obstruction, ship, or boat.
- (6.) If the proceeds of such sale are insufficient to pay the expenses of removal, the proper authority may recover the balance from the owner of the obstruction, ship, or boat, or, if they think fit, from any person by whose fault or negligence, or from the owner of any ship by the fault or negligence of which, such obstruction arose or such ship or boat was sunk or stranded ; but the last-named person shall be liable to make good to the owner of the obstruction, ship, or boat any sum payable by him :
- (7.) The expenses of removal incurred by the general lighthouse authority in pursuance of this section upon any default of a harbour or conservancy authority shall be recoverable from such harbour or conservancy authority, with costs :
- (8.) Expenses recoverable under this section by any authority shall be recoverable as a penalty is recoverable under this Act.

Removal of shingle.

Power to
make bye-
laws respect-
ing removal
of ballast,

575. Where any person takes away at any place ballast (including under that term any rock, stone, shingle, gravel, earth, or other substance) from tidal lands, or a tidal water, or the seashore below low-water mark, and it appears to the harbour

authority or conservancy authority (if any) having jurisdiction at that place, or at any place near thereto where navigation is liable to be affected by the consequences of such taking away,—or if there is no such harbour or conservancy authority, then to the Board of Trade,—that the taking away of ballast at that place is or tends to the injury of navigation, or to any right belonging to or enjoyed by the public,—then, and in every such case, the following provisions shall have effect :—

- 10 (1.) The harbour or conservancy authority, with and subject to the approval of the Board of Trade, or the Board of Trade (as the case may be), may from time to time lay before Her Majesty in Council such byelaws as seem fit for regulating, restricting, or prohibiting the taking away of ballast at that place, and for altering or repealing any
- 15 such byelaws :
- (2.) It shall be lawful for Her Majesty by Order in Council to confirm such byelaws, with or without omission, addition, or alteration, or to disallow the same :
- 20 (3.) Such byelaws shall not be confirmed unless a copy of the proposed byelaws, with a notice of the intention to apply for confirmation thereof, has been published or made known in such manner as the Board of Trade think sufficient for giving information to all parties interested :
- 25 (4.) Any person desiring to object to the confirmation of any such byelaw may send his objections in writing to the Board of Trade, and such objections shall be submitted to Her Majesty in Council before the byelaw objected to is confirmed :
- 30 (5.) Such byelaws when confirmed shall be published or made known as last aforesaid, with a notice stating that they have been confirmed ; and a printed copy of such byelaws shall be delivered, without charge, by the body by whom they are made to every person applying for the same :
- 35 (6.) All byelaws when confirmed by Order in Council shall be deemed to have been duly made and confirmed, and no objection thereto shall be taken in any proceedings, and they shall, on and after the completion of the publication thereof, be binding on all persons, and shall be sufficient to justify all persons acting thereunder, and the Order in
- 40 Council confirming the same shall be evidence thereof :
- (7.) If in any case the act prohibited by any byelaw would not but for such byelaw have been unlawful, and any person would but for such byelaw have had a right to do

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the act by virtue of a right of property in the part of the shore or other place affected, whether as grantor or grantee, lessor or lessee, or otherwise,—then and in every such case every such person shall be entitled, on proof of his right to do the act by virtue of such right of property, 5 to receive from the harbour authority, conservancy authority, or Board of Trade (as the case may be), compensation for any loss or damage sustained by him by reason or in consequence of the byelaw. The title to and amount and application of that compensation shall be determined in 10 the manner provided by the Lands Clauses Acts for determination of the title to and amount and application of compensation for lands injuriously affected. Compensation payable by any harbour authority or conservancy authority shall be paid out of the dues or property out of 15 which their ordinary expenses are payable, (which payment such authority are hereby empowered and required to make thereout,) and as to the Board of Trade, *out of money to be provided by Parliament for the purpose.*

Restriction
on removal
of ballast,
shingle, &c.
from shore
under ma-
nagement of
Board of
Trade.

576. Where any tidal land or tidal water, or the shore below low- 20 water mark, is under the management of the Board of Trade in pursuance of the Crown Lands Act, 1866, and any person takes away from thence any ballast as above defined from such land, water, or shore, and the Board of Trade are of opinion that such taking away is or tends to the injury of navigation, or of any right belonging to 25 or enjoyed by the public, the Board of Trade may serve on such person if known to them, or if he is not known to them may publish a notice forbidding the taking away of ballast from such place; and if after the service or publication of such notice, as the case may be, any person takes away any ballast contrary to the notice, he 30 shall be liable on summary conviction to a penalty not exceeding ten pounds.

Such notice shall be published or made known in the like manner as byelaws relating to the removal of ballast are required by this part of this Act to be published or made known. 35

Series of
acts tending
to injury of
navigation.

577. For the purposes of this part of this Act, an act shall be deemed to tend to the injury of navigation in any case where a series of like acts has produced or would produce injury to navigation.

Saving for
powers in-
dependent of
this Act.

578. Nothing in this part of this Act shall be deemed—

(1.) To affect any enactment in any other part of this Act 40 relative to wreck or shipwrecked property :

(2.) To affect any enactment or regulation relating to Her Majesty's customs :

(3.) To affect any jurisdiction, right, power, or remedy of the Board of Trade, as having the management over any tidal water, tidal lands, or seashore under The Crown Lands Act, 1866 :

(4.) To take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this part of this Act, for the abatement of or the imposition of punishment for any nuisance affecting the sea or any harbour or tidal water or tidal lands, or affecting navigation, or affecting any right belonging to or enjoyed by the public over tidal water or tidal lands :

and the provisions of this part of this Act respecting anything in the present section mentioned shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object ; and all enactments, regulations, jurisdictions, rights, and remedies in this section mentioned or referred to shall remain operative, and be (as far as may be) as if this Act had not been passed ; but so, nevertheless, that nothing herein shall be deemed to authorize that any person be sued or prosecuted twice in respect of the same matter.

Transfer to Board of Trade of powers under existing special Acts.

579. Where any special Act coming into operation before the thirty-first of December one thousand eight hundred and sixty-two,—

(1.) Authorizing or regulating the construction of any work on, in, over, through, or across tidal lands or water, or the seashore above or below high-water mark ; or,

(2.) Authorizing or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any persons or person ; or

(3.) Constituting or altering or regulating the constitution of any harbour or conservancy authority ; or

(4.) Altering or regulating the powers or duties of any harbour or conservancy authority,—

contain, either expressly or by incorporation or reference or otherwise, any provision for any of the purposes following :

(1.) For preventing the construction or execution of any work or the doing of any thing without the consent or approval of the Admiralty, for requiring the deposit of plans of any

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works with the Admiralty, or for authorizing or requiring any work to be constructed, executed, or maintained, or any thing to be done, with the consent or on the requisition or to the satisfaction of the Admiralty :

- (2.) For empowering the Admiralty to exercise any authority 5 concerning lifeboats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers :
- (3.) For empowering the Admiralty to make a local survey or examination at the expense of any person :
- (4.) For empowering the Admiralty, in case of any work being 10 abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any work or any part of it, or restore the site thereof to its former condition, at the like expense :
- (5.) For empowering the Admiralty to exercise any authority 15 concerning lights to be maintained at night during the construction or execution of any work :
- (6.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a member or members of any board or body of trustees, commissioners, or con- 20 servators, or of any harbour or conservancy authority :
- (7.) For empowering the Admiralty to determine any dispute or difference between or among any persons :
- (8.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any arbitrator, referee, 25 or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act :

or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or 30 power over or in relation to any harbour authority, or any other provision in anywise relating to conservancy, or authorizing or requiring any act or thing concerning harbours or navigation or conservancy to be done by or in relation to the Admiralty,—

Then as from the thirty-first day of December one thousand eight 35 hundred and sixty-two, such Acts and all enactments relative thereto shall be read and construed as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

40

Power to
Admiralty
to retain au-
thority over

580. Provided always, That where it appears to the Admiralty that the interests of Her Majesty's naval service require that the whole or any part of any harbour, port, bay, estuary, or navigable

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river in, on, or adjoining to which there is or shall be any of Her Majesty's dockyards, victualling yards, steam factory yards, arsenals, or naval stations, should be excepted, either entirely or in some respects, out of the operation of the last foregoing section, the
 5 Admiralty may give notice in writing to the Board of Trade that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as is in the notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such notice shall be published by the Admiralty in the
 10 London, Edinburgh, or Dublin Gazette, (according as the place affected may be in England, Scotland, or Ireland,) and thereupon the harbour, port, bay, estuary, or navigable river to which such notice relates, or the part thereof therein specified, shall either entirely or in the respects therein mentioned, as the case may
 15 require, be and remain as if the last foregoing section had not been inserted in this Act, but any such notice may be from time to time varied or at any time revoked by a like notice published in like manner.

581. Provided also, that nothing in the provisions of this part
 20 of this Act respecting transfer of power shall affect—

- (1.) The Act of the session of the fifth and sixth years of Her Majesty, chapter one hundred and ten (local), “for better
 “preserving the navigation of the River Mersey;” or
- 25 (2.) So much of section three of the Act of the session of the twentieth and twenty-first years of Her Majesty, chapter one hundred and forty-seven (local), “to provide for the
 “conservation of the river Thames, and for the regulation,
 “management, and improvement thereof,” as empowers
 30 the Admiralty to appoint two of the conservators of the river Thames.

582. Nothing in the provisions of this part of this Act respecting
 transfer of powers shall affect—

- (1.) Any estate, right, title, interest, prerogative, royalty, juris-
 35 diction, or authority of or belonging to Her Majesty the Queen, her heirs or successors, in right of her crown, or of her office of admiral, or otherwise:
- (2.) Any right, duty, power, jurisdiction, or authority vested in
 40 or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral, otherwise than under or by virtue of the several Acts and parts of Acts expressly mentioned

ports, &c.
 where dock-
 yards, &c.
 are situate.
 25 & 26 Vict.
 c. 69. ss. 8,
 9, 10, 18, 19.

Exception as
 to Mersey
 and Thames.
 25 & 26 Vict.
 c. 69. ss. 8,
 9, 10, 18, 19.
 5 & 6 Vict.
 c. cx.
 20 & 21 Vict.
 c. cxlvii. s. 3.

Saving for
 prerogative
 of crown
 and general
 conservancy
 powers of
 Admiralty.
 25 & 26 Vict.
 c. 69. ss. 8,
 9, 10, 18, 19.

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*Conser-
vancy.*

Saving for
past acts,
contracts,
and appoint-
ments, and
proceedings
pending, &c.
25 & 26 Vict.
c. 69. ss. 8,
9, 10, 18, 19.

Provision for
notices un-
der Artillery
Ranges Act,
1862, being
given to
Board of
Trade.
25 & 26 Vict.
c. 69. ss. 8,
9, 10, 18, 19.
25 & 26 Vict.
c. 36. s. 2.

or referred to in the provisions of this part of this Act respecting transfer of powers.

583. Nothing in the provisions of this part of this Act respecting transfer of powers shall prejudicially affect—

(1.) Any nomination or appointment of any member of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority, or other act or thing before the thirty-first of December one thousand eight hundred and sixty-two made or done under any such Act as aforesaid :

(2.) Any action, suit, prosecution, proceeding, or thing commenced before the thirty-first of December one thousand eight hundred and sixty-two under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty. 15

584. From and after the passing of this Act, section two of The Artillery Ranges Act, 1862, shall be read as if the Board of Trade were therein named instead of the Admiralty.

A.D. 1869.

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HARBOURS.

Provisions applicable to existing and future harbour authorities.

- 5 **585.** This Part of this Act applies, except as expressly otherwise provided, to all harbour authorities constituted by, and to all harbours and works constructed in pursuance of, and to all things done under any special Act which comes into operation after the passing of this Act. Application of Part.

10 *Harbour dues.*

- 586.** Subject to the operation of any enactment in force at the passing of this Act, and to the provisions of part thirteen of this Act, every harbour authority, whether constituted before or after the passing of this Act, may from time to time raise or lower the dues levied by them as they think fit, so as the dues levied by them never exceed the maximum dues which they are authorized to levy. Power to raise or lower dues. 10 & 11 Vict. c. 27. s. 30.

- 587.** Subject to any lawful restriction existing at the passing of this Act, every harbour and its approaches shall on payment of dues be open to all persons for the shipping or unshipping of goods and passengers, and such persons and passengers shall have at all times unobstructed ingress, passage, and egress into, through, and out of the same. Right of unobstructed access to harbour on payment of dues. 10 & 11 Vict. c. 27. s. 33. 25 & 26 Vict. c. 19. s. 13.

- 588.** Any harbour authority may accept payment in advance of a yearly or other composition for the dues payable by any person or company, or in respect of passengers or their luggage carried in that person's or company's ships; but so that, in that case, every other person or company under like circumstances shall be entitled to make a like composition on the like terms. Compositions for dues. 10 & 11 Vict. c. 27. s. 32.

- 30 **589.** Any harbour authority may grant to passengers, promenaders and others pass tickets for the use of any pier or other part of the works, on such terms, and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. Power for harbour authority to contract for use of pier or works.

- 35 Such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use.

If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he

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shall for every such offence be liable to a penalty not exceeding twenty shillings.

Prohibition
of levying
of dues
before com-
pletion of
harbour.
10 & 11 Vict.
c. 27. s. 25.

590. A harbour authority shall not take any dues until the harbour is completed to the extent specified in that behalf in the special Act, or (if no such extent is therein specified) is completed 5 entirely, and, in either case, is made fit for the reception of ships, or other the purpose for which it or any part of it is intended.

A certificate signed in England or Ireland by the chairman of quarter sessions, and in Scotland by the sheriff, shall be conclusive evidence of such completion or fitness; and the chairman or sheriff 10 shall sign and give such a certificate on being satisfied of such completion and fitness.

Lists of
dues.
10 & 11 Vict.
c. 27. s. 47.

591. The harbour authority shall before taking any dues put up, and shall at all times keep exhibited, in front of their principal office, and on some conspicuous part of the harbour, boards having 15 painted or affixed thereon lists in large characters of the dues for the time being payable.

If the harbour authority fails in any respect to comply with the provisions of the present section, they shall be liable to a penalty not exceeding five pounds for every day during which such failure 20 continues.

Byelaws
respecting
dues.

592. A harbour authority shall have power by byelaw from time to time to do all or any of the following things respecting dues, and the collection thereof for and within the limits of the 25 harbour; namely,—

- (1.) To empower the collector of dues, either alone or with other persons, to enter a ship in order to ascertain the dues payable in respect of the ship or of goods therein:
- (2.) To require the master of every ship to report his arrival within a specified time (not being less than twenty-four 30 hours) after his arrival:
- (3.) To require the master of every British ship to produce the certificate of registry to the collector of dues on demand:
- (4.) To require the master of every ship to give a copy of the bill of lading or manifest of the cargo or other proper 35 account of goods intended to be unshipped, and the name of the consignee or other person to whom they are intended to be delivered:
- (5.) To require the master of every ship to give to the collector, if required, notice of the intended time of unshipment: 40
- (6.) To require from shippers of goods accounts of the goods intended to be shipped:

- (7.) To regulate the time when dues on goods shipped or unshipped are to be payable.

593. If any ship for which the dues have been paid is obliged, from stress of weather or other sufficient cause, after leaving the harbour, to return with the same cargo (if any) within twenty-four hours after leaving the harbour, the dues paid in respect of such ship or of such cargo (if any) shall not again be payable.

Ships
returning
from stress
of weather.
10 & 11 Vict.
c. 27. s. 33.

594. Where a difference arises between the collector of dues and the master of a ship or the owner of goods respecting the weight or quantity of any goods liable to dues,—

In case of
difference,
power to
weigh or
measure
goods and
detain ship.
10 & 11 Vict.
c. 27. ss. 40,
41.

- (1.) The collector may cause the goods to be weighed or measured, and for that purpose may, if necessary, detain the ship containing the goods :

- (2.) If the weight or quantity exceeds that alleged by the master or owner, the expenses of the weighing or measuring shall be paid to the harbour authority, and shall be recoverable as dues are recoverable :

- (3.) If the weight or quantity does not exceed that alleged as aforesaid, the expenses of the weighing or measuring, and of the detention of the ship, shall be paid by the harbour authority, and shall be recoverable as a penalty is recoverable from the harbour authority.

595. If the master or owner of a ship or the owner of goods evades the payment of any due he shall be liable to a penalty not exceeding ten pounds.

Penalty on
evasion.
10 & 11 Vict.
c. 27. s. 43.

596. If default is made in payment of any due, the following provisions shall take effect :—

Recovery of
dues, on
default, by
seizure and
sale.
10 & 11 Vict.
c. 27. s. 44.

- (1.) In the case of a due on a ship, the harbour authority may detain the ship, and if afterwards for three days the due remains unpaid may enter the ship and take possession thereof, or of the tackle or a sufficient part of the tackle thereof, and if afterwards for seven days the due remains unpaid may cause the ship or the tackle or a sufficient part of the tackle thereof, to be appraised by two or more sworn appraisers, and may sell the same :

- (2.) In the case of a due on goods, the harbour authority may detain the ship in which the goods are, and if afterwards for three days the due remains unpaid may enter the ship and take possession of the goods or a sufficient part thereof,—or where the goods have been removed from the harbour, may take possession of a sufficient quantity of

other goods of the same owner within the harbour,—and may sell any goods taken possession of, first paying any duty payable thereon to Her Majesty :

- (3.) In every case the harbour authority shall apply the proceeds of the sale in or towards paying the due payable, and the 5 expenses incurred and duty paid by them in exercising the powers of the present section, and shall render the overplus (if any) to the master or owner of the ship, or the owner of the goods, on demand.

Settlement
of disputes
concerning
dues, or
charges
occasioned
by distress.
10 & 11 Vict.
c. 27. s. 46.

597. Where a difference arises concerning the amount of any 10 dues payable, or of the charges occasioned by any distress or arrestment, the person distraining or arresting may detain the goods distrained or arrested until such amount is ascertained, by a justice ; who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either party to the 15 other as he thinks reasonable ; and such costs, if not paid on demand, shall be levied by distress or poinding and sale, and such justice shall issue his warrant accordingly.

Recovery of
dues by
action.
24 & 25 Vict.
c. 45. s. 18.

598. Without prejudice to any other remedy, a harbour authority may recover any dues payable in respect of a ship from the owner 20 or master thereof, and any dues payable in respect of goods from the owner or consignee thereof, as a debt due to them by proceedings in any court of competent jurisdiction.

Power for
collector of
customs to
withhold
clearance
until dues
paid.
10 & 11 Vict.
c. 27. s. 48.

599. The collector or other proper officer of Her Majesty's customs for the district within which any harbour is situate may, with 25 the consent of the Commissioners of Her Majesty's Customs, refuse to receive any entry, or give any docquet, discharge, or clearance, or to take any report inwards or outwards of any ship liable to dues, until the master of the ship produces to him a certificate, under the hand of the collector of dues, that the dues payable in respect of 30 the ship, and any goods imported or exported in it, have been paid ; or if there is any difference as to the dues payable, until such collector or officer of customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, and of the expenses arising from nonpayment thereof. 35

Power for
Board of
Trade to
revise dues
in certain
cases.
25 & 26 Vict.
c. 19. s. 14.

600. Where the harbour authority manages the harbour for the purpose of profit, then if at any time it appears to the Board of Trade that the clear annual profits divisible on the paid up capital of such authority, on the average of the then three last preceding 40 years, amount to or exceed the rate of ten per centum per annum on the nominal value of such capital, the Board of Trade may, if

they think fit, require the authority to reduce the dues levied by them to such extent as the Board of Trade think fit. If the person, body, or authority refuse or neglect to comply with any such requirement, they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect continues. But if afterwards the profits fall below the rate of ten per centum per annum, the authority may, with the consent of the Board of Trade, again raise the dues, but not so as to exceed the maximum rates which they are authorized to levy; and so toties quoties.

(ii.) *Accounts.*

601. Every harbour authority shall keep accounts showing—
 The dues on ships received by or payable to them :
 The tonnage of every such ship :
 The name of the master thereof :
 The port to which the ship belongs :
 The place from which on each occasion the ship arrives :
 The place to which on each occasion the ship is bound :
 The dues on goods shipped or unshipped received by or payable to them.

Contents of
accounts.
10 & 11 Vict.
c. 27. s. 49.

602. Every harbour authority shall in and for every year ending the thirty-first day of December, or some other convenient day, prepare an account in abstract showing the total receipt and expenditure of all money levied by them, under the several distinct heads of receipt and expenditure, with a statement of the balance of the account duly audited and certified by their clerk or secretary, and shall, within one month after the day up to which the account is made up, send a copy thereof, in England or Ireland, to the clerk of the peace, and, in Scotland, to the sheriff clerk, of the county or each of the counties in which the harbour or any part thereof is situate. Every such account shall be open for public inspection at all reasonable times on payment of one shilling. If any harbour authority refuse or neglect to comply in any respect with the provisions of the present section, they shall for each offence be liable to a penalty not exceeding twenty pounds.

Annual
account.
10 & 11 Vict.
c. 27. s. 50.

603. Where the harbour authority manages the harbour for the purpose of profit such authority shall, within one month after sending such account as aforesaid, also send a copy thereof to the Board of Trade, who shall forward a copy to any person who may require it. If the harbour authority refuse or neglect to send

Audit of ac-
counts on
complaint to
Board of
Trade in
certain
cases.
25 & 26 Vict.
c. 19. s. 16.

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such account such authority shall for each offence be liable to a penalty not exceeding twenty pounds. If, on complaint in writing by any person interested, there appears to the Board of Trade reasonable ground for believing that such account has not been duly kept, or that any dues have been improperly or unfairly levied by such authority, or have not been duly applied, the following provisions shall have effect :—

- (1.) The Board of Trade may appoint an auditor to audit and examine such account, and inquire into the matters complained of, and report to the Board of Trade on such account and matters : 10
- (2.) The harbour authority shall, on demand, produce to the auditor all or any of their accounts, books, deeds, papers, writings, and documents, and afford to him all reasonable facilities for examining and comparing the same : 15
- (3.) In case the complaint is in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the harbour authority :
- (4.) In case the complaint is not in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the complainant. 20

(iii.) *Officers and servants.***604.** The harbour authority— 25

May appoint and remove harbour masters and collectors of dues, weighers and meters, wharfingers, and other necessary or proper officers and servants, and fix their remuneration :

And may assign to them such powers and duties as seem proper, and by byelaw made as provided by this part of this Act, regulate the exercise and discharge of those powers and duties, and the conduct of those officers and servants, and make regulations for preventing any unreasonable or unfair exercise of any of their powers or other misbehaviour on their part : 30

And may license, and by byelaw made as aforesaid, regulate the duties and conduct of porters and carriers employed within the limits of the harbour, and fix the dues to be paid to them for carrying anything to or from the same. 35

605. When a sufficient number of weighers and meters is appointed under this part of this Act, the master of any ship, or the 40

Appoint-
ments and
duties of
harbour
masters
and other
officers.
10 & 11 Vict.
c. 27. ss. 51,
81.

Employment
of weighers
and meters.
10 & 11 Vict.
c. 27. s. 82.

owner of any goods shipped, unshipped, or delivered within the limits of the harbour, shall not employ any person other than a weigher or meter appointed under this part of this Act (except a weigher or meter appointed by the Commissioners of Her Majesty's
5 Customs) to weigh or measure the same. If any person other than a weigher or meter so appointed weighs or measures any such goods, he, and also any person knowingly employing him, shall for every such offence be each liable to a penalty not exceeding five pounds; and the weighing or measurement of any such
10 goods by him shall be deemed illegal.

606. If any person gives or offers any money or thing by way of reward or bribe to any harbour master, collector of dues, or other officer employed about a harbour, for the purpose of gaining an undue preference in the execution of his office, or for the pur-
15 pose of inducing him to do or omit anything relating to his office, he shall be liable for every such offence to a penalty not exceeding twenty pounds.

Penalty on offering bribes to officers.
10 & 11 Vict. c. 27. s. 55.

607. Two justices may appoint persons nominated by the harbour authority to be special constables within the limits of the
20 harbour, and within one mile of the same. Every person so appointed shall be sworn in by a justice duly to execute the office of a constable within those limits, and when so sworn in shall have the same powers, protections, and privileges within those limits, and shall be subject to the same liabilities, as constables have or are
25 subject to by law. Two justices may dismiss any such constable from his office.

Special constables.
10 & 11 Vict. c. 27. s. 79.

(iv.) *Harbour regulations.*

608. The harbour authority shall have power, by byelaws made according to the provisions of this Act, from time to time to do all
30 or any of the following things for and within the limits of the harbour; namely,—

Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c.
10 & 11 Vict. c. 27. ss. 52, 83, &c.

(1.) To regulate the time and mode of admission of ships within the limits of the harbour, or into any dock, and the dis-
mantling or the lowering or furling of sails of ships
35 coming in, and their mode and place of mooring and anchoring, and their position and government in the harbour, and their unmooring and removal out of the harbour:

(2.) To provide for the harbour master ensuring the observance of such regulations (in case of non-compliance there-
40 with) by mooring, unmooring, placing, or removing a ship,

and for that purpose casting off, loosing, or unshackling any rope or chain by which the ship is moored or fastened (first putting on board a sufficient number of persons for the protection of the ship in case there is no person on board to protect it) :

- (3.) To regulate the removal of ships when necessary for the repairing, scouring, or cleansing of the harbour : 5
- (4.) To regulate the supply, removal, and disposal of ballast, and the quantity of ballast or dead weight in the hold which a ship may have during or after discharge of cargo : 10
- (5.) To regulate the times, places, order, and mode of the shipping, unshipping, landing, warehousing, stowing, and depositing of goods, (and in the case of dangerous goods to add special regulations and restrictions), and of the landing and embarking of passengers, and of the taking 15 in and delivery of ballast :
- (6.) To regulate the use of fires and lights, and the keeping or using of gunpowder, combustibles, explosive substances, and other specially dangerous goods, and loaded guns, on board ship or elsewhere, and to provide for the harbour 20 master entering a ship or place to search for fire or light suspected to be therein contrary to any byelaw, and extinguishing it if found :
- (7.) To prevent the obstruction of the harbour master in the exercise or discharge of any of his powers or duties. 25

(v.) *Byelaws.*

609. With respect to byelaws the following provisions shall take effect:—

- (1.) The harbour authority may frame such byelaws as they think expedient to propose to the Board of Trade for 30 allowance, and shall deposit a copy thereof with the Board of Trade, and shall publish the same as follows :

By inserting the same as an advertisement once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood 35 of the harbour :

By depositing a copy thereof within the same two weeks, for public inspection at the custom house of the port, sub-port, or creek, within the limits whereof the harbour is situate : 40

Every such advertisement and deposit being accompanied with a notice of the intention of the harbour authority

Power for
harbour
authority
to make
byelaws,
subject to
allowance
by Board of
Trade.
10 & 11 Vict.
c. 27. ss. 83
90.

to apply to the Board of Trade for the allowance of such byelaws under the present section :

(2.) The Board of Trade shall on the application of the harbour authority take such proposed byelaws into consideration, and also any objection thereto that may be lodged at the office of the Board of Trade, and shall either allow the same with or without omission, addition, or alteration, or disallow the same :

(3.) The harbour authority shall publish such byelaws as are allowed by the Board of Trade, as follows :

By inserting the same as an advertisement once at least in each of two successive weeks in the local newspaper in which the proposed byelaws were inserted :

By depositing a copy thereof within the same two weeks for public inspection at the custom house in which the proposed byelaws were deposited :

On the completion of which publication the byelaws shall come into operation, unless a later time in that behalf is therein appointed :

(4.) Any byelaws so made may be from time to time altered or at any time repealed by other byelaws made according to the provisions of the present section :

(5.) Byelaws made according to the provisions of the present section shall be binding on all persons, and shall be sufficient to justify all persons acting thereunder :

(6.) Where the public interest appears so to require, the Board of Trade may, at any time after any byelaw so made has come into operation, notify to the harbour authority their disallowance thereof and the time at which the same shall cease to be in force; and such byelaw shall cease to be in force at that time, except with respect to any right, title, obligation, or liability then already acquired or accrued, or any remedy or proceeding for the enforcement thereof :

(7.) Printed copies of the byelaws of any harbour authority for the time being in force shall be sold by the harbour authority to all persons at such price as may be therein prescribed, and if none is therein prescribed, then at a price not exceeding sixpence for each copy.

(vi.) *Warehouses, cranes, and other conveniences.*

610. The harbour authority, in addition to any lands authorized to be taken under their special Act, may (subject to any limitation

Power to purchase additional land required for

PART X.
Harbours.

extraordi-
nary pur-
poses.
10 & 11 Vict.
c. 27. ss. 20,
23.

Power to
construct
warehouses
and other
works.
10 & 11 Vict.
c. 27. ss. 20,
23.

Power to
lease wharfs,
warehouses,
&c.
10 & 11 Vict.
c. 27. ss. 20,
23.

Water pipes.
25 & 26 Vict.
c. 19. s. 20.

Harbour
authority to
provide life-
boats and
other ap-
paratus on
requisition

therein contained) purchase lands near the harbour for extraordinary purposes; namely,

For making and providing additional yards, wharfs, and places for receiving, depositing, and loading or unloading goods, and for the erection of weighing machines, toll houses, offices, 5 warehouses, sheds, and other buildings and conveniences :

For making convenient roads to the harbour, or any other purpose requisite or convenient for the formation or use thereof.

611. The harbour authority—

May, on any lands acquired by them under their special Act and 10 this Act, construct such warehouses, storehouses, sheds, and other buildings and works as may be necessary for the accommodation of goods shipped or unshipped :

And may erect or provide such cranes, weighing and other machines, conveniences, weights, and measures as may be 15 necessary for the loading, unloading, measuring, and weighing of such goods :

And shall provide proper servants and labourers for working such cranes at all reasonable times for the use of the public :

And may by byelaw made under the provisions of this part of this 20 Act regulate the use of such cranes, weighing and other machines, conveniences, weights, and measures.

612. The harbour authority may lease or grant the use or occupation of any warehouses, buildings, wharfs, yards, cranes, machines, or other conveniences provided by them, at such rents 25 and on such terms as may be agreed on, but no such lease shall be granted for a longer term than three years, except with the previous sanction of the Board of Trade.

613. The harbour authority may lay down or construct and maintain, or grant or allow to any persons the right of laying down 30 or constructing and maintaining, pipes or channels for the conveyance of water to and within the harbour, and may demand and receive such sums in consideration of such grant or allowance as may seem reasonable.

(vii.) *Lifeboats.*

35

614. The harbour authority shall, on being required to do so by the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, an efficient and well-appointed lifeboat, and such mortar, rockets, and other apparatus as the Board of Trade direct or approve, with 40 all necessary tackle, and a competent crew and proper persons for

the effectual working thereof, for the succour of vessels in distress ; and shall cause such lifeboat, mortar, rockets, and other apparatus to be stationed at such place as the Board of Trade direct or approve, and to be used on all necessary occasions. If any harbour
5 authority fail to comply in any respect with the provisions of this section, they shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which such failure continues.

(viii.) *Tide gauges and barometers.*

615. The harbour authority shall, on being required to do so by
10 the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, at such place and in such manner as the Board of Trade direct or approve, an efficient self-registering tide gauge, with a barometer ; and shall cause accounts of the workings thereof to be kept, and to
15 be sent to the Board of Trade, in such manner and at such time as the Board of Trade direct or approve. The harbour authority shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which such tide gauge and barometer are not provided or maintained, or such accounts kept, and to a penalty not
20 exceeding ten pounds for each month during which such accounts are not sent to the Board of Trade.

Provision by
harbour
authority of
tide gauge
and baro-
meter, and
accounts of
workings.
10 & 11 Vict.
c. 27. ss. 18,
19.

Damage in Harbour.

616. Where injury is done by a ship or floating timber, or by any person employed about the same, to any part of the works or pro-
25 perty of a harbour authority, the owner and the master of the ship and the owner and the person having charge of the timber (as the case may be) shall each be answerable in damages to the harbour authority for the whole injury. The harbour authority may detain the ship or timber until sufficient security is given for the amount
30 of damages to be recovered.

Responsi-
bility for
injury to
works of
harbour.
10 & 11 Vict.
c. 27. s. 74.

617. Where the owner of any ship, timber, or goods is bound to make and makes pecuniary satisfaction for any injury wilfully or negligently done to any part of the works or property of a harbour authority by any master or other person, or is compelled to pay any
35 pecuniary penalty by reason of any act or omission of any master or other person, he shall be entitled to recover the money so paid, with costs, from such master or other person ; and if the money sought to be recovered does not exceed fifty pounds, the same shall be recoverable, with costs, as a penalty is recoverable under this Act.

Recovery
over by
owner from
master of
ship, &c.
10 & 11 Vict.
c. 27. s. 76.

PART X.
Harbours.

Penalty for wilfully cutting moorings.
10 & 11 Vict.
c. 27. s. 62.

618. If any person, except the harbour master acting according to his authority, wilfully cuts, breaks, or destroys the mooring or fastening of any ship in any harbour, he shall for every such offence be liable to a penalty not exceeding five pounds.

(ix.) *Her Majesty's Customs.*

5

Approval of legal quays by Treasury, &c.
10 & 11 Vict.
c. 27. s. 24.

619. The quays of the harbour shall not be deemed to be legal quays for the shipping and unshipping of goods until approved of for that purpose by the Treasury and the Commissioners of Her Majesty's Customs; and such quays, and the use thereof, shall be subject to the regulations to which legal quays are or may be by law subject. 10

Provision by harbour authority of watch-houses, huts, &c. for customs officers.
10 & 11 Vict.
c. 27. s. 14.

620. The harbour authority shall, on being required to do so by the Commissioners of Her Majesty's Customs, provide, and until relieved from this duty by those Commissioners shall always thereafter maintain in good order, at such place and in such manner as those Commissioners direct or approve, a watchhouse and a boat-house, and huts with weighing materials, for the use of the officers and others acting under those commissioners. If any harbour authority fail to comply in any respect with the provisions of the present section, they shall be liable to a penalty not exceeding fifty pounds for every month during which such failure continues. 15 20

Freedom of passage for customs officers.

621. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of the harbour by land, and with their vessels and otherwise, without payment. 25

Sites for protecting batteries.

Power to Secretary of State for War to take and hold lands, &c. for batteries, &c.
24 & 25 Vict.
c. 45. s. 20.

622. A harbour authority may make, and one of Her Majesty's Principal Secretaries of State may accept, a grant, either in fee or for a term of not less than nine hundred and ninety-nine years, of any suitable land, not exceeding in quantity in any one place what may be sufficient for the construction of a battery or fortification for the protection of the harbour, with proper access thereto, and may enter into any covenant or stipulation with the Secretary of State and his successors in office, not to build or do any act prejudicial to any such battery or fortification, on the land adjacent to and within the line of fire from any such battery or fortification. Every such site, when conveyed as aforesaid, shall be held by the Secretary of State and his successors in office, on behalf of Her Majesty, in trust for the public service. 30 35

Special Acts for Harbours.

623. Where in any plan or book of reference deposited for the purposes of any special Act relating to a harbour any error or omission respecting any land or the interest of any person in land is found, the following provisions shall take effect:

Correction of errors and omissions in plans and books of reference.
10 & 11 Vict. c. 27. s. 7.

- (1.) The person concerned may apply to two justices for the correction of the error or omission, after giving not less than ten days notice to the owner or reputed owner, lessee or reputed lessee, and occupier of the land:
- 10 (2.) If it appears to the justices that the error or omission arose from mistake, the justices shall so certify, stating the particulars of the error or omission:
- (3.) An examined copy of the certificate shall be deposited with every clerk of the peace, sheriff clerk, town clerk, clerk of a poor law union, parish clerk, and schoolmaster (as the case may be), with whom that part of the original plan or book in which the error or omission is found was required to be deposited, and also with the Board of Trade:
- 15
- 20 (4.) Thereupon that part of the plan or book shall be deemed corrected according to the certificate.

624. Every harbour authority hereafter constituted or authorized by special Act shall be subject to the following provisions:—

Access to special Act.
10 & 11 Vict. c. 27. ss. 97, 98.

- 25 (1.) They shall within one month after their special Act comes into operation deposit a copy thereof, printed by one of Her Majesty's printers, in England or Ireland with the clerk of the peace, and in Scotland with the sheriff clerk, of the county in which the harbour or any part thereof is situate:
- 30 (2.) They shall always after their special Act comes into operation keep a copy thereof printed as aforesaid in their principal office of business, and shall allow any person at any reasonable time, on payment of one shilling, to inspect and make extracts from it:
- 35 (3.) If any harbour authority fails to comply in any respect with the provisions of the present section, they shall be liable to a penalty not exceeding twenty pounds for each instance of such failure, and to a further penalty of five pounds for every day during which such failure continues.
- 40

PART X.
Harbours.(x.) *Subjection of harbour to general Acts.*

Application
of Merchant
Shipping
Acts and
other Acts.
25 & 26 Vict.
c. 19. s. 21.

625. The harbour authority and their harbour shall be subject to the provisions of this Act and of every general Act relating to merchant shipping, harbours, navigation, or dues in force at the time that their special Act comes into operation, or to be afterwards 5 passed, and to any revision or alteration, under the authority of Parliament, of the dues authorized by their special Act.

PART XI.

PART XI.
*Loans to
 Harbour
 Authorities.*

LOANS TO HARBOUR AUTHORITIES.

- 626.** For the purpose of the constructing, improving, maintaining, or lighting of any public harbour, or for the carrying into effect of any other shipping purpose, the Public Works Loan Commissioners (constituted by the Act of the session of the nineteenth and twentieth years of Her Majesty, chapter seventeen, and the Acts amending the same,) may, out of funds for the time being at their disposal or provided by Parliament for the purpose, lend to any harbour authority constituted either before or after the passing of this Act, and any such harbour authority may, with the approval of the Board of Trade, but not otherwise, borrow from the said Commissioners, such money as may be required, whether such harbour authority are or are not empowered to borrow money under a special Act, or otherwise, and notwithstanding any limitation in any special Act of the amount to be borrowed by such harbour authority.

The period for repayment of the principal of any money borrowed shall not exceed fifty years.

- 627.** Nothing in this Act shall give to any loan under this part of this Act equality as to order of charge or of payment of principal or interest, with any loan made or to be made under any special Act, except only as to such portion (if any) of the loan under this part of this Act as might have been raised under the special Act solely, or to repeal or alter any provision restricting any harbour authority, being a company, from borrowing until a definite portion of capital is subscribed for or taken or paid up.

- 628.** When the aggregate amount of principal money due under this part of this Act to the said commissioners from any harbour authority does not exceed one hundred thousand pounds, the interest payable in respect thereof shall be at the rate of three and a quarter per centum per annum; but when it exceeds one hundred thousand pounds the interest payable in respect of one hundred thousand pounds shall be at that rate, and the interest payable in respect of the excess shall be at such higher rate as the said commissioners determine, not exceeding five per centum per annum.

- 629.** The repayment of principal and the payment of interest in respect of any loan under this part of this Act shall be secured upon all or any of the dues leviable by the harbour authority to whom the loan is made, either alone or together with such other property

Power for
 Public
 Works Loan
 Commission-
 ers to lend
 to harbour
 authorities,
 and for har-
 bour autho-
 rities to bor-
 row from
 them.
 24 & 25 Vict.
 c. 47. s. 3.,
 25 & 26 Vict.
 c. 69. ss. 20,
 22.

Additional
 money bor-
 rowed under
 this Act not
 to rank with
 money bor-
 rowed under
 other
 powers.
 24 & 25 Vict.
 c. 47. s. 3.,
 25 & 26 Vict.
 c. 69. ss. 20.,
 22.

Rate of
 interest.
 24 & 25 Vict.
 c. 47. s. 3.,
 25 & 26 Vict.
 c. 69. ss. 20,
 22.

Loan to be
 secured on
 rates or
 property.
 24 & 25 Vict.
 c. 47. s. 3.,
 25 & 26 Vict.
 c. 69. ss. 20,
 22.

PART XI.
*Loans to
 Harbour
 Authorities.*

as may be agreed on, and it shall not be incumbent on the said commissioners to require any other security.

Power to
 harbour
 authority to
 give such
 security.

24 & 25 Vict.
 c. 47. s. 3.,
 25 & 26 Vict.

c. 69. ss. 20,
 22.

Incorpora-
 tion of

10 & 11 Vict.

c. 16. ss. 75

—88.,

24 & 25 Vict.

c. 47. s. 3.,

25 & 26 Vict.

c. 69. ss. 20,

22.

630. Any harbour authority empowered to levy dues immediately or prospectively, or entitled to any other property applicable to shipping purposes, may make such dues or property or any part thereof respectively a security for any money borrowed from the said commissioners under this Act, and may charge the same accordingly. 5

631. For the purposes of any such loan the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except so far as the same may be inconsistent with the provisions of the Acts constituting or regulating the said Public Works Loan Commissioners, shall be incorporated with this Act; and for this purpose this Act shall be deemed to be “the special Act,” and the harbour authority borrowing shall be deemed to be “the commissioners,” within the meaning of the said incorporated clauses. 15

Private
 harbour to
 be regulated
 by Order in
 Council be-
 fore loan
 made under
 these pro-
 visions.

24 & 25 Vict.

c. 47. s. 3.,

25 & 26 Vict.

c. 69. ss. 20,

22.

632. Provided that a harbour authority, being the proprietor of a private harbour, shall not be empowered by this part of this Act to borrow any money from the said commissioners, unless such regulations are made in respect of the dues to be taken in the harbour, and the use thereof by the public, as the Board of Trade approves; and for the purpose of making and enforcing such regulations Her Majesty may by Order in Council declare that such of the provisions of Part X. of this Act (relating to the government of harbours) as seem fit, and as the order specifies, shall apply to that harbour, and fix a schedule of dues to be taken therein; and thereupon the provisions in the Order specified shall apply to that harbour as if it were constructed under a special Act. 20

Power to
 proprietor
 of harbour
 for limited
 estate to
 charge es-
 tate of sub-
 sequent
 takers under
 same settle-
 ment.

24 & 25 Vict.

c. 47. s. 3.,

25 & 26 Vict.

c. 69. ss. 20,

22.

633. In the case of a harbour authority being the proprietor of a harbour for a limited estate, the following provisions shall take effect and apply:— 30

(1.) The term “limited estate” means the estate of any person entitled under any settlement at law or in equity for his own benefit to the possession or receipt of the rents and profits of a harbour or of the site of a harbour, for the term of his own life or of the life of any other person, whether such harbour or site is or is not subject to incumbrances: 35

(2.) The term “settlement” includes any Act of Parliament, will, deed, or other assurance whereby particular estates or 40

particular interests in a harbour or the site of a harbour are created with remainders or interests expectant thereon, and any deed of entail; and every estate and interest created by appointment made in the exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement; and an estate or interest, by way of resulting use or trust to or for the settlor, or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement:

(3.) Any such harbour authority shall have power to make the repayment of any money borrowed by him from the said commissioners under this part of this Act, with the interest, a charge on his limited estate in the harbour or the site thereof, and on the estate and interest therein of every person taking under the same settlement any estate or interest therein in defeasance or expectancy or by destination on the determination of the said limited estate, but it shall be subject to all incumbrances on the harbour or site thereof subsisting at the time of the charge:

(4.) No loan or part of any loan shall be made under this part of this Act to any person entitled to a limited estate so as to charge the estate or interest of any person taking in defeasance or expectancy or by destination, except to an amount to be specified in certificates to be from time to time issued by the Board of Trade; and no such certificate shall be issued until it is proved to the satisfaction of the Board of Trade that the amount specified in the certificate has been properly expended on the harbour.

A.D. 1869.

PART XII.
*Powers for
 harbours by
 Provisional
 Order.*

PART XII.

POWERS FOR HARBOURS BY PROVISIONAL ORDERS.

Power to
 apply to
 Board of
 Trade for
 Provisional
 Order.
 24 & 25 Vict.
 c. 45,
 25 & 26 Vict.
 c. 19.

634. Where any persons desire to obtain statutory powers for constructing, selling, purchasing, leasing, taking on lease, main- 5
 taining, or regulating a harbour,—or for executing or abandoning
 or extending the time for executing any work connected with a
 harbour or with navigation,—or for levying or altering dues,—or
 for constituting or altering the constitution of a harbour autho-
 rity,—or for executing any shipping purpose,—or any statutory 10
 power conducive to or consequent on the accomplishment of any
 of the aforesaid purposes,—they may apply to the Board of Trade
 to make, and the Board of Trade may make, a Provisional Order con-
 ferring on them such powers.

Procedure
 for Provi-
 sional
 Orders.

635. The provisions of Part sixteen of this Act with respect to 15
 Provisional Orders shall extend to Provisional Orders under this
 part of this Act.

Limitation
 of time for
 completion
 of works.
 25 & 26 Vict.
 c. 19. s. 12.

636. The works authorized by any Provisional Order shall be
 completed within five years after the passing of an Act confirming
 the Order, or within such other time as the Order directs; and on 20
 the expiration of such five years or other time, as the case may
 be, the powers by the order given to the undertakers for executing
 such works, or otherwise in relation thereto, shall cease to be exer-
 cised, except as to] so much thereof as is then completed, without
 prejudice to an extension of time by a Provisional Order confirmed 25
 by an Act of Parliament.

Information
 to Admiralty
 of applica-
 tions.
 25 & 26 Vict.
 c. 69. s. 13.

637. In each year, in the month of February, the Board of Trade
 shall furnish to the Admiralty a list of all applications for Provisional
 Orders then pending under this part of this Act, with a short state-
 ment of the nature of any work proposed to be thereby authorized. 30

Report by
 Board of
 Trade to
 Parliament.
 24 & 25 Vict.
 c. 45. s. 19.

638. The Board of Trade shall annually make and lay before
 both Houses of Parliament a general report of their proceedings
 under this part of this Act, stating the several cases in which appli-
 cations have been made to them under the provisions of this part
 of this Act since their last annual report; and the Board of Trade 35
 may from time to time make and lay before both Houses of Parlia-
 ment such special report respecting any matter arising under this
 part of this Act as they think fit.

639. In the following cases, (that is to say) ;

(1.) If within three years of the time of the passing of an Act confirming a Provisional Order, or such other time as the Order directs, the works are not substantially commenced ; or,

5 (2.) If the works are commenced, but are virtually suspended for twelve consecutive months ;

the powers by the Order given to the undertakers for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as is then completed, without
10 prejudice, however, to an extension of time by a Provisional Order confirmed by Act of Parliament.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been
15 virtually suspended for twelve consecutive months, shall be conclusive evidence for the purposes of this section of such non-commencement or suspension.

PART XIII.

*Local
charges on
shipping.*

PART XIII.

LOCAL CHARGES ON SHIPPING.

Dues—general.

Application
of Part.

640. The provisions of this Part of this Act apply to authorities constituted, and dues created or authorized, either before or after the passing of this Act. 5

Prohibition
of partiality
as to dues.
10 & 11 Vict.
c. 21. s. 30.,
25 & 26 Vict.
c. 19. s. 17.

641. Subject and without prejudice to any lawful exemption or privilege existing at the commencement of this Act, all dues shall be chargeable equally to all persons in respect of the same description of ships and the same description of goods. 10

Prohibition
of passing
tolls.
24 & 25 Vict.
c. 47.

642. It shall not be lawful for any person to levy any dues (known as passing tolls) on ships, or on goods carried in ships, passing but not entering any harbour.

Prohibition
of differen-
tial dues.
24 & 25 Vict.
c. 47.

643. It shall not be lawful for any person to levy any dues (known as differential dues) or impose any liability on foreign ships, or on goods carried therein, other or higher than the dues or liabilities levied or imposed under like circumstances on British ships or goods carried therein. 15

Prohibition
of dues ex-
cept for
shipping
purposes.

644. Subject and without prejudice to the exercise of any lawful power or right existing at the passing of this Act, it shall not be lawful for any person to levy any dues unless the dues levied are applied to some shipping purpose, the benefit whereof is enjoyed by the ships or goods on which such dues are levied. 20

Prohibition
of dues in-
consistent
with treaties.

645. Where any treaty, convention, or agreement entered into before the passing of this Act by or on behalf of Her Majesty with the Government of any foreign state contains any stipulation respecting dues, it shall not be lawful for any person to levy dues otherwise than in accordance with such stipulation. 25

No exemp-
tion from
dues allowed
in United
Kingdom on
account of
reasons
herein
named.
30 & 31 Vict.
c. 15.

646. After the commencement of this Act no exemption from dues (including under the term every privilege of paying smaller dues than the public at large under like circumstances) shall be allowed in the United Kingdom on account of any one or more of the following reasons; that is to say, 30

(1.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places : 35

- (2.) On account of any ship or goods being the property of, or being consigned by or to any particular person or body corporate :
- 5 (3.) On account of any goods being destined for sale in any particular town, place, or market :
- 10 (4.) On account of any ship or goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular place in any port, or in the neighbourhood of any port, except where a ship is going to or from, or anchoring or mooring at, or being laden or unladen at such place, derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, or being laden or unladen at another place in the same port :
- 15 (5.) On account of any goods being the product of or being destined for use at any particular manufactory, place, or district, or any particular class of manufactories: Provided that nothing in this Act contained shall affect any exemption from dues which has been granted by an Act of
- 20 Parliament to the owner or occupier of some particular quay, manufactory, or place as compensation for obstruction to, his water frontage or access to his premises, or other injury caused to him by the works authorized by such Act.

25 *General Savings.*

647. Nothing in this Act shall charge with dues, or regulate or subject to controul, any ship of or in the service of Her Majesty, her heirs and successors, or of any member of the royal family,—or any ship in the service of the Board of Trade, Customs, or
- 30 Excise, or a general lighthouse authority not conveying goods for hire,—or any packet boat or post office packet (as defined in any Act relating to the post office), or any post office bag of letters conveyed thereby or otherwise,—or any person in the service of the Admiralty, War Office, Customs, Excise, or Post Office, or his
- 35 baggage,—or any ship or goods under seizure by officers of revenue —or any naval, victualling or ordnance stores, or other stores or goods of or for the service of Her Majesty,—or any troops or their baggage.

Exemption
of ships in
Her Majes-
ty's Service,
&c. from
rates, &c.
10 & 11 Vict.
c. 27. s. 28.

- If any person claims and takes the benefit of the present section
- 40 without being entitled thereto he shall for every such offence be liable to a penalty not exceeding ten pounds.

PART XIII.

*Local.**Charges on Shipping.*

Liability
for dues
payable by
ship.
17 & 18 Vict.
c. 104.
ss. 363, 381.
25 & 26 Vict.
c. 63.
ss. 44, 66.

Liability for Dues.

648. Where by any part of this Act any dues are made payable by or in respect of any ship, the following persons shall be liable to pay such dues; (that is to say,) the owner and master and such consignee or agent thereof as may have paid or made himself 5 liable to pay any other charge on account of such ship in the port of her arrival or discharge or in the port from which she clears out.

Where any dues are made by this Act payable in respect of any goods carried in ships, the following persons shall be liable to pay such dues; that is to say, the owner of such goods, and also any 10 consignor, consignee, shipper, or agent for the sale or custody of such goods, and also any person entitled either as owner or agent for the owner to the possession of the goods.

Power for
consignee,
&c. to retain
dues paid
by them.
17 & 18 Vict.
c. 104.
ss. 363, 381.
25 & 26 Vict.
c. 63. s. 45.

649. Every consignor, consignee, shipper, or agent, not being the owner or master of any ship or goods, by this part of this Act 15 made liable for the payment of any dues in respect of any ship or goods (as the case may be), may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues so paid by him, together with any reasonable expenses he may have incurred by reason of such 20 payment and liability.

Dues not to
be sold.
Merchant
Shipping
Law Amend-
ment Act,
1853
(16 & 17 Vict.
c. 131) s. 24.
Such sales
or mortgages
to be void
except in
certain
cases.
Ibid.

Dues levied on Ships not to be sold or charged.

650. No dues, of what nature soever, levied or leviable, or here-
after to be levied or leviable, in any port of the United Kingdom,
shall be sold, mortgaged, or charged in any manner or for any 25
purpose without the consent of the Board of Trade first obtained.

651. Any such sale, mortgage, or charge made after the twen-
tieth day of August one thousand eight hundred and fifty-three
without such consent as aforesaid shall be absolutely void, except
in the following cases: 30

1. In the case of any sale, mortgage, or charge of any dues levied
for the use of any dock or other undertaking intended solely
for the benefit of shipping, where the moneys raised by the
same are to be applied exclusively for the purposes of the
undertaking for the use of which such dues are levied or 35
leviable:
2. In the case of any mortgage or charge made under the autho-
rity of any Act of Parliament for the purpose of raising
money to pay the costs of any work constructed or duly

contracted for before the twentieth day of August one thousand eight hundred and fifty-three :

3. In the case of any mortgage or charge made or continued under any powers of reborrowing or continuing money, or mortgage or bond given by any Act of Parliament for the purposes of any such work so constructed or contracted for as aforesaid.

Transfer of Shipping Dues to Harbour Authorities.

652. Any person now or hereafter having power to levy dues may, with the consent of Her Majesty in Council, by deed, transfer, upon such terms as he thinks fit, all or any portion of the dues leviable by him to any harbour authority having powers in relation to any public harbour within which such dues or any portion thereof may be levied.

Power to transfer dues.
24 & 25 Vict.
c. 47, ss. 17, 20.

653. Before making any such transfer, the intending transferor shall give notice of the terms of the intended transfer by publishing them twice at least in some local newspaper, or by advertising in such a newspaper the times and place at which a copy of them may be inspected.

Notice of intended transfer.
24 & 25 Vict.
c. 47, ss. 17, 20.

- Any person interested may lay before the transferor in writing any objections or observations with reference thereto, and the intending transferor and transferees shall take the same into consideration, and make such modifications in or additions to the terms (if any) as they may think fit to adopt, and shall also, in applying for the consent of Her Majesty in Council, forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council.

654. Upon the completion of the transfer, the Order in Council approving of the transfer, with the instrument of transfer, shall be published in the London Gazette, and such Order shall be conclusive evidence of the transfer and of its terms.

Evidence of transfer.
24 & 25 Vict.
c. 47, ss. 17, 20.

655. Where in any harbour dues are levied which are not applied to some shipping purpose, the benefit whereof is enjoyed by the ships or goods on which such dues are levied, the harbour authority of such harbour may apply to the Board of Trade to make, and the Board of Trade may make, a provisional order for transferring such dues to the harbour authority. Such transfer may be made for such consideration, and in such manner, and upon such terms and conditions, and with such powers to the harbour authority, as may seem expedient.

Provisional order for transfer.

PART XIII.
*Local
 Charges on
 Shipping.*

The enactments contained in part sixteen of this Act with respect to provisional orders shall apply to provisional orders under this section.

Application
 of dues and
 of consider-
 ation money.
 24 & 25 Vict.
 c. 47. ss. 17,
 20.

656. The transferees, upon the transfer made with an Order in Council or by a provisional order, shall have all rights and privileges in respect of dues transferred which the transferor had at the time of the transfer, and shall apply the dues transferred to shipping purposes within the harbour. 5

The transferor shall hold all money paid to him by way of consideration for the transfer upon the trusts, if any, and for the purposes upon and for which the dues, if not transferred, would have been held, and shall apply the same accordingly. 10

Power to
 borrow for
 transfer.
 24 & 25 Vict.
 c. 47. ss. 17,
 20.

657. Every harbour authority may from time to time borrow at interest, on the security of any property or dues, any money required for procuring any such transfer, either with the consent of Her Majesty in Council or by provisional order; and for this purpose the clauses of The Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners (except the clause numbered eighty-four) shall be incorporated with this Act. 15 20

PART XIV.

THE BOARD OF TRADE.

- 658.** The Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations may be described in any deed, contract, or other instrument by the official title of “the Board of Trade,” without expressing their names; and all deeds, contracts, and other instruments wherein they are so described shall be as valid as if the said Lords or any of them had been named therein.
- 659.** Lands heretofore purchased or taken by or in the name of any person, for the use of the Board of Trade, or transferred to and vested in the Board of Trade, or hereafter conveyed to the Board of Trade, or any person for their use, shall vest in the persons for the time being constituting the Board of Trade, and upon those persons or any of them vacating their offices shall be transferred to and vested in their successors in office, in a perpetual succession; and shall be held by them and their successors in office in trust for Her Majesty, Her heirs and successors, for the public service.
- 660.** Any deed, contract, or other instrument executed by or on behalf of the Board of Trade shall be valid if under the seal of the Board of Trade and signed by the president or by one of the secretaries of the said Board.
- 661.** The Board of Trade may purchase any lands which they may require for the public service; and may from time to time sell or exchange any lands purchased by or vested in them, and for the purposes of any such purchase or sale the Lands Clauses Acts, except as to the purchase of lands otherwise than by agreement, shall be incorporated with this Act; and, for the purposes of the construction of those Acts in connexion with this section, this Act shall be deemed “the Special Act,” and the Board of Trade the promoters of the undertaking.
- 662.** The money to arise by any sale of land made by the Board of Trade shall be paid to such persons as the Board appoint; and a receipt signed by the president or one of the secretaries of the Board, shall be an effectual discharge to the purchaser.
- 663.** For the purposes of this Act the Board of Trade may sue or be sued in the name of one of the secretaries of the board for the time being; and any action, suit, or proceeding brought or taken by or against the Board in the name of the secretary shall not be

Title of
Board of
Trade.
24 & 25 Vict.
c. 47. ss. 63–
69.

Vesting of
property in
Board of
Trade.
24 & 25 Vict.
c. 47. ss. 65–
69.

Execution of
instruments.
24 & 25 Vict.
c. 47. ss. 65–
69.

Power of
Board of
Trade to
purchase
Lands.
24 & 25 Vict.
c. 47. ss. 65–
69.

Disposition
of money
arising from
sale.
24 & 25 Vict.
c. 47. ss. 65–
69.

Actions and
suits by and
against
Board of
Trade.
24 & 25 Vict.
c. 47. ss. 65–
69.

PART XIV.
*The Board
of Trade.*

abated or discontinued by his death, resignation, or removal from office, but the same may be continued by or against the board in the name of his successor in office.

In any such action, suit, or proceeding, costs shall be recoverable by or against the Board of Trade, as in like case in any suit between 5 subject and subject.

Form of
order, appro-
val, &c. of
Board of
Trade.
24 & 25 Vict.
c. 47. ss. 65-
69.

664. Every order, warrant, notice, consent, approval, or document of the Board of Trade under this Act shall be in writing or print, or partly in writing and partly in print, and shall be signed by one of the secretaries or assistant secretaries of the Board. 10

Evidence of
documents
issued by
Board of
Trade, &c.
1854, s. 7.

665. All documents purporting to be made, issued, or written by or under the direction of the Board of Trade, and to be sealed with their seal, or to be signed by their secretary or one of their assistant secretaries, shall be received in evidence, and shall be deemed to have been duly made, issued, or written by or under the direction 15 of the Board of Trade, without further proof, unless the contrary is shown.

Board of
Trade to
issue forms
of instru-
ments.
1854, s. 8.

666. The Board of Trade may from time to time issue forms of books, instruments, and papers requisite under this Act, other than those required by the first part thereof, giving public notice 20 thereof, and shall cause every such form to be sealed with the seal of the Board or to be marked with some other distinguishing mark, and to be supplied at the custom houses and mercantile marine offices of the United Kingdom free of charge, or at a moderate charge from time to time fixed by the Board of Trade, 25 or they may license persons to print and sell or to sell the same; and every book, instrument, and paper required by this Act to be in a form sanctioned by the Board of Trade shall be made in such form; and no book, instrument, or paper for which a form has been so sanctioned shall, unless made in that form, be admissible in 30 evidence on behalf of an owner or master of a ship in any civil proceeding; and every book, instrument, or paper made in a form purporting to be sealed with the seal of the Board of Trade, or to be otherwise marked as aforesaid, shall be deemed to be made in the form required by this Act, unless the contrary is shown. 35

Exemption
from stamp
duty.
1854, s. 9.

667. The following instruments shall be exempt from stamp duty:

Instruments used in the execution of part one of this Act:

Instruments used by or under the direction of the Board of Trade in executing parts two, three, eight, and fifteen of this Act: 40

Instruments by those parts required to be made in forms approved by the Board of Trade, if made in such forms.

PART XIV.
The Board of Trade.

Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by Board of Trade.
1854, s. 10.

Application of penalties paid to Board of Trade.
1854, s. 11.

Returns to Board of Trade.
1854, s. 12.

Production of log books, &c. to Board of Trade.
1854, s. 12.

Power for officers of Board of Trade, naval officers, consuls, &c. to inspect documents, muster crews, &c.
1854, s. 13.

668. Every person who forges, assists in forging, or procures to be forged such seal or other distinguishing mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered any form issued by the Board of Trade, with the view of evading any of the provisions of this Act or any condition contained in such form, shall for each offence be deemed guilty of a misdemeanor.

Every person who, in any case in which a form sanctioned by the Board of Trade is by this Act required to be used, uses without reasonable excuse any form not purporting to be so sanctioned, or who prints, sells, or uses any document purporting to be a form so sanctioned, knowing the same not to be so sanctioned for the time being, or not to have been prepared and issued by the Board of Trade, shall for each such offence incur a penalty not exceeding ten pounds.

669. Fines and penalties coming to the Board of Trade under this Act shall be paid into the receipt of Her Majesty's Exchequer, as the Commissioners of Her Majesty's Treasury direct, and be carried to and form part of the Consolidated Fund of the United Kingdom.

670. Consular officers, officers of customs, local marine boards, and superintendents of mercantile marine offices, shall make and send to the Board of Trade such returns or reports on matters relating to British merchant shipping or seamen as the board from time to time require.

671. Superintendents of mercantile marine offices shall, whenever required by the Board of Trade, produce to them or to their officers all books and documents in their custody as such superintendents.

672. Every officer of the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every consular officer, the Registrar of Seamen and his assistant, every chief officer of customs in any place in the British dominions, and every superintendent of a mercantile marine office, where he suspects that this Act or any law for the time being in force relating to merchant shipping or seamen, or to navigation, is not complied with, may exercise the following powers, or any of them:—

He may require the master to produce the certificate of registry or other national papers of the ship and may inspect and take copies thereof or of any parts thereof:

He may require the owner or master, or any member of the crew of any British ship, to produce any official log books

PART XIV.
*The Board
of Trade.*

or other documents relating to such crew, or to any member thereof, and may inspect such official log books or documents, and may take copies thereof or of any part thereof:

He may require any such master to produce a list of all persons on board his ship: 5

He may muster the crew of any such ship:

He may summon the master of any such ship to appear and give any explanation concerning her or her crew, or concerning her certificate of registry or national papers, or concerning such official log books or documents: 10

And if on any such requisition any owner or master, or any member of a crew, without reasonable excuse (proof whereof shall lie on him), does not produce any such certificate of registry, national papers, official log book or document, or allow the same to be inspected or copied, or produce a list of persons on board the ship, 15 or prevents or impedes any such muster, or does not appear, or does not give any such explanation, or misleads or deceives any person authorized by this Act to require any such explanation, he shall for every such offence be liable to a penalty not exceeding twenty pounds. 20

Appoint-
ment of in-
spectors by
Board of
Trade, and
their powers.
1854, ss. 14-
16; 1861,
s. 24.

673. The Board of Trade may from time to time appoint any person as an inspector to report to them on the following matters, or any of them,—

- (1.) On the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have 25 sustained or caused:
- (2.) Whether this Act or any regulation made thereunder has been complied with:
- (3.) Whether the hull and machinery of any steam ship are sufficient and in good condition. 30

And every such inspector shall have the following powers:

- (1.) He may go on board any ship and may inspect her or any part of her, or any machinery, boats, equipments, or articles to which this Act applies on board, not unneces- 35 sarily detaining her:
- (2.) He may enter and inspect any building or place the entry or inspection whereof appears to him requisite for the purposes of the report which he is directed to make:
- (3.) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and 40 examine for those purposes, and may require answers or returns to such inquiries as he thinks fit to make:

(4.) He may require and enforce the production of all books, papers, and documents which he considers important for those purposes :

5 (5.) He may administer an oath, or require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

And every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpoena before a court of record, or attending on citation the Court of Justiciary ;
10 and in case of dispute as to the amount to be allowed, the same shall be referred by the inspector in England to one of the Masters of the Court of Queen's Bench, or the Registrar of the High Court of Admiralty, in Scotland to the Queen's and Lord Treasurer's Remembrancer, and in Ireland to one of the Masters of the Court
15 of Queen's Bench or the Registrar of the Court of Admiralty, who respectively, on request under the hand of the inspector, shall ascertain and certify the proper amount of such expenses.

If any person, without reasonable excuse (proof whereof shall lie on him), does any of the following things, namely,—

20 (1.) Having been summoned, and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before the inspector, or to make any answer, or to give any return, or to produce any document, or to make or sign any declaration ; or

25 (2.) Prevents or impedes the inspector in the execution of his duty on board ship or elsewhere,

he shall for every such offence be liable to a penalty not exceeding ten pounds ; and where the offence consists of preventing or impeding as aforesaid the inspector, or any person called by him to his
30 assistance, may seize and detain the offender until he can be conveniently taken before a justice or other person having jurisdiction, to be dealt with according to law.

PART XV.

*Mercantile
Marine
Fund.*

PART XV.

MERCANTILE MARINE FUND.

Maintenance and Application.

Maintenance
of mercan-
tile marine
fund.

1854, s. 417.
1854, s. 417.

674. There shall continue to be a common fund called the mercantile marine fund, an account whereof, called the mercantile marine fund account, shall be kept with Her Majesty's Paymaster General.

There shall be carried to the mercantile marine fund,—

1. All payments other than fines and forfeitures received by the Board of Trade under parts two and three of this Act : 10
2. All payments received by any general lighthouse authority under part eight of this Act :
3. All proceeds from the sale of land sold by any general lighthouse authority under part eight of this Act :
4. All payments mentioned in the fourteenth schedule to this Act which are received by receivers in pursuance of part six of this Act. 15

Application
of mercan-
tile marine
fund.

1854, ss. 417,
418, 421.

675. Subject to any charges subsisting thereon at the commencement of this Act by virtue of any Act of Parliament or otherwise, the mercantile marine fund shall be charged with the expenses following, and shall be applied to no other purpose whatever : 20

1. All expenses connected with local marine boards, the examinations, and the shipping offices provided for by part two of this Act :
2. All expenses connected with the survey of passenger steam ships provided for by part three of this Act : 25
3. All expenses connected with the inspection of places in ships occupied by seamen or apprentices provided for by part two of this Act :
4. All expenses incurred by the general lighthouse authorities in the works and services of lighthouses and sea marks provided for by part eight of this Act, or in permanently reducing the expense of such works and services or in the purchase of local lighthouses or sea marks, or in putting an end to, and compounding for continuing payments or other burdens incurred in the purchase of land : 30 35
5. Such expenses as the Board of Trade direct for the following objects :
 - a. The establishment and maintenance on the coasts of the

United Kingdom of lifeboats, their crews and equipments :

b. Any remuneration or reward for the preservation of life and property, and the preservation of life in cases of shipwreck and distress at sea :

7. All expenses with regard to superannuation allowances or compensations from time to time granted by the general lighthouse authorities, and provided for by this part of this Act :

8. All expenses incurred in carrying into effect the provisions with regard to receivers of wreck and their duties contained in part six of this Act :

9. All expenses expressly charged on the fund by or under the powers of this or any other Act.

676. It shall be lawful for Her Majesty from time to time by Order in Council to do all or any of the following things :

1. To fix and from time to time alter the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses and sea marks :

2. To fix the sums to be paid out of the mercantile marine fund in respect of such establishments :

677. It shall be lawful for every general lighthouse authority to grant from time to time, with the sanction of the Board of Trade, superannuation allowances or compensations to persons whose salaries are payable out of the mercantile marine fund, and who are discharged or retire, such allowances or compensations to be in all cases granted on the principles and according to the rules laid down by the Superannuation Act, 1859.

Establishment of lighthouses, &c. to be fixed by Order in Council.
1854, s. 420.

Power to grant superannuation allowances.
1854, s. 421.
See also M.S.L.A.A., 1853, s. 13.
22 Vict. c. 26.

678. Every general lighthouse authority shall from time to time submit to the Board of Trade estimates of all expenses (other than establishment expenses for the time being fixed by Order in Council) to be incurred by them in respect of the services of lighthouses and sea marks, or of superannuation allowances or compensations, and whenever in providing for a sudden emergency, they are obliged to incur expense without waiting until an estimate can be sanctioned, shall send to the Board of Trade as soon as possible a full account of such expense. The Board of Trade shall consider and may either disapprove such estimates and accounts, or approve the same, either with or without modification, and no expense of any general lighthouse authority in respect of such services (other than the sums so fixed as aforesaid for establishment expenses) shall be paid out of the mercantile marine fund

Approval of estimates and accounts for other expenses by the Board of Trade.
1854, ss. 422, 423.

PART XV.
*Mercantile
Marine
Fund.*

Lighthouse
authorities
to account
for receipt
and expen-
diture to
Board of
Trade.

1854, s. 427.

Audit of
accounts of
funds.

1854, s. 428.
29 & 30 Vict,
c. 39.

Accounts to
be laid
before
Parliament.
1854, s. 429.

Exemption
of property
from rates
and taxes.

1854, s. 430.

Exemption
of lighthouse
authorities
and Board
of Trade
from dues.

1854, s. 431.
1862, s. 48.

or allowed in account, unless included in estimates or accounts approved by the Board of Trade.

679. Every general lighthouse authority shall account to the Board of Trade for their receipts from light dues, and for their expenditure as regards expenses paid out of the Mercantile Marine Fund, in such form, at such times, and with such details, explanations, and vouchers as the Board of Trade from time to time require, and shall, when required by the board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as the board appoint. 10

680. The accounts of the receipts and expenditure of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of the Exchequer and Audit Departments Act, 1866.

681. The Board of Trade shall, as soon as practicable after the meeting of Parliament in every year, cause the account of the Mercantile Marine Fund for the then preceding year to be laid before both Houses of Parliament. 15

682. All lighthouses and sea marks, and light dues, and all other dues, fees, and payments accruing to or forming part of the Mercantile Marine Fund, and all offices, premises, and property belonging to or occupied by any general lighthouse authority or by the Board of Trade, which are used or applied for the purposes of any of the services for which such dues, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities or the Board of Trade in carrying on the said services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind. 20 25

683. The persons in the employment of and the ships, boats, and goods belonging to or used by any of the general lighthouse authorities or the Board of Trade shall enter, resort to, and use all harbours in the United Kingdom without payment of dues of any kind. 30

PART XVI.

PROVISIONAL ORDERS.

684. Any persons intending to make an application for a Provisional Order, which persons are hereafter in this part of this Act called the promoters, shall proceed as follows:—

Notices and deposit of documents by promoters as in schedule 24 & 25 Vict. c. 45., 25 & 26 Vict. c. 12.

(1.) In the October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in Part I. of Schedule nineteen to this Act:

(2.) On or before the thirtieth day of the same month of November they shall deposit the documents described in Part II. of the same schedule, according to the regulations therein contained:

(3.) On or before the twenty-third day of December in the same year, they shall deposit the documents described in Part III. of the same schedule, according to the regulations therein contained.

685. The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before the fifteenth day of January, or such other day as they from time to time appoint, and shall determine whether or not the promoters may proceed with the application.

Power for Board of Trade to determine on application and on objection. 24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.

In the case of an application relating to pilotage, the Board of Trade shall, not less than six weeks before they consider the application, refer the same to the pilotage authority of the district, and shall receive and consider any objections and suggestions made by that authority.

686. Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, the Board of Trade may settle and make a Provisional Order accordingly.

Power for Board of Trade to make Provisional Order.

Every such Provisional Order shall contain such provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner herein-after provided; but so that any such Provisional Order shall not contain any provision for empowering the promoters or any other person to acquire lands

Form and contents of Provisional Order. 24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.

PART XVI.
Provisional
Orders.

otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

Publication
of Provi-
sional Order
as in sche-
dule.

687. When a Provisional Order has been made as aforesaid and delivered to the promoters, the promoters shall forthwith publish the same by deposit and advertisement according to the regulations 5 contained in Part IV. of the nineteenth schedule to this Act.

Confirmation
of Provi-
sional Order
by Act of
Parliament.
24 & 25 Vict.
c. 45.,
25 & 26 Vict.
c. 19.

688. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days from the completion of such publication, procure a Bill to 10 be introduced into either House of Parliament for an Act to confirm the Provisional Order, which shall be set out at length in the schedule to the Bill; and until confirmation by Act of Parliament a Provisional Order under this Act shall not have any operation.

If while any such Bill is pending in either House of Parliament 15 a petition is presented against any Provisional Order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act. 20

Restriction
on order as
to affecting
powers
under local
Acts.
24 & 25 Vict.
c. 45.,
25 & 26 Vict.
c. 19.

689. The Board of Trade shall not make any Provisional Order taking away or abridging any right, privilege, benefit, power, juris- diction, or authority given or reserved to any person, body, or company by any charter or special Act without the consent in writing of such person, body, or company; but, subject to this 25 restriction, every Provisional Order when confirmed by Act of Parliament shall have full validity and operation, any charter or special Act to the contrary notwithstanding.

Costs of
Order.
24 & 25 Vict.
c. 45.,
25 & 26 Vict.
c. 19.

690. The costs of and connected with the preparation and making of each Provisional Order shall be paid by the promoters, 30 and the Board of Trade may require the promoters to give security for such costs before they proceed with the Provisional Order.

Deposit of
documents
with clerk of
the peace.

691. All maps, plans, and documents required to be deposited for the purposes of any Provisional Order may be deposited with the persons and in the manner directed by the Act of the session of 35 the seventh year of William the Fourth and the first year of Her present Majesty, chapter eighty-three, intituled, "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament;" 40 and all the provisions of that Act shall apply accordingly.

PART XVII.

LEGAL PROCEDURE.

692. This part of this Act, except as expressly otherwise provided, applies to the whole of Her Majesty's dominions.

Application
of part.
1854, s. 517.

5 **693.** In the following cases, that is to say,

(1.) Where any offence against property or person is committed in any place ashore out of Her Majesty's dominions by any master, seaman, or apprentice who at the time the offence is committed is or within three months previously has been employed in any British ship :

Offences
committed
abroad or on
high seas to
be within
jurisdiction
of British
courts.

10 (2.) Where any British subject commits any crime or offence on board any British ship or boat ;

1854, s. 267.
1855, s. 22.
1867, s. 11.

(3.) Where any British subject commits any crime or offence on board any foreign ship or boat to which he does not belong ;

15 (4.) Where any person not being a British subject commits any crime or offence on board any British ship or boat on the high seas,

Any court of justice in any part of Her Majesty's dominions, or any British court in any port or place within which Her Majesty hath jurisdiction, which would have had cognizance of such crime or offence if committed on board a British ship within the limits of the ordinary jurisdiction of such court, shall have power to hear and determine the case as if the offence had been committed within the ordinary jurisdiction of such court ; and every such crime or offence shall render the person who commits the same liable to the same penalties as if it had been committed within such jurisdiction.

The costs and expenses of the prosecution of any such crime or offence may be directed to be paid out of monies to be provided for the purpose by Parliament.

1854, s. 267.

694. The following provisions shall have effect with respect to offences committed on the high seas or abroad ; (that is to say,)

Conveyance
of offenders
and wit-
nesses to
United
Kingdom or
some British
possession.
1854, s. 268.

35 (1.) Whenever any complaint is made to any British consular officer of any of the offences mentioned in the last preceding section, or of any offence on the high seas having been committed by any master, seaman, or apprentice belonging to any British ship, such consular officer may inquire into the case upon oath, and may if the case so requires take any steps in his power for the purpose of

[267.]

H h 4

PART XVII.
*Legal
Procedure.*

placing the offender under necessary restraint and of sending him as soon as practicable in safe custody to any of the following places, to be there proceeded against according to law; (that is to say,)

- (1.) To the United Kingdom ; 5
 - (2.) To any British possession in which there is a court capable of taking cognizance of the offence :
 - (3.) To any foreign port or place in which Her Majesty hath jurisdiction in which there is a British court capable of taking cognizance of the 10 offence :
- (2.) For the purpose aforesaid such consular officer may order the master of any ship belonging to any subject of Her Majesty bound to any of the places aforesaid to receive and afford a passage and subsistence during the voyage to 15 any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every 20 fifty tons of such tonnage; and such consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade from time to time require :
- (3.) Every such master shall on his ship's arrival at the place to which it is bound, give every offender so committed to his 25 charge into the custody of some police officer or constable, who shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and such justice or magistrate shall deal with the matter as in cases of offences committed upon the high 30 seas :

And any such master as aforesaid who, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford such passage and subsistence to him, or who does not deliver any 35 offender committed to his charge into the custody of some police officer or constable as herein-before directed, shall for each such offence incur a penalty not exceeding fifty pounds; and the expense of imprisoning any such offender and of conveying him and the witnesses to such place as aforesaid in any manner other than in 40 the ship to which they respectively belong shall be part of the costs of the prosecution, or be paid out of monies to be provided by Parliament for the purpose.

695. If at any time it is made to appear to any court having jurisdiction under the provisions of this Act, to try a person accused of an offence committed at sea that it would be expedient to the ends of justice to try such person at some other place than
 5 that in which such court has jurisdiction, it shall be lawful for such court to order such person to be removed to such other place, and such person may be removed accordingly; and the provisions of this part of this Act, with respect to the removal of offenders by order of a consular officer, shall extend to the removal of such
 10 offender as if the term consular officers in these sections included the court.

696. Whenever any case of death happens on board any foreign-going ship, the superintendent of the mercantile marine office shall, on the arrival of such ship at the port where the crew is discharged,
 15 inquire into the cause of such death, and shall make on the list of the crew delivered to him as herein required an endorsement to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such superintendent shall, for the pur-
 20 pose of such inquiry, have the powers hereby given to inspectors appointed by the Board of Trade under this Act; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the
 25 emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Inquiry into
cause of
death on
board.

1854, s. 269.

697. Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any court or before any person authorized by law or by consent of
 30 parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, if such proceeding be instituted in the United Kingdom, then upon due proof that such witness cannot be found in that king-
 35 dom, or if the proceeding be instituted in any British possession upon due proof that he cannot be found in the same possession, or if the proceeding be instituted in any foreign port or place in which Her Majesty hath jurisdiction then upon proof that he cannot be found within such port or place, any deposition that such witness may have previously made on oath in relation to the
 40 same subject matter before any court, judge, or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall

Depositions
to be re-
ceived in
evidence
when wit-
ness cannot
be produced.

1854, s. 270.

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be admissible in evidence subject to the following restrictions;
(that is to say),

- (1.) If such deposition was made in the United Kingdom it shall not be admissible in any proceeding instituted in the United Kingdom : 5
- (2.) If such deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession :
- (3.) If such deposition was made in any foreign port or place in which Her Majesty hath jurisdiction it shall not be admissible in such port or place : 10
- (4.) If the proceeding is criminal it shall not be admissible unless it was made in the presence of the person accused.

Every deposition so made as aforesaid shall be authenticated by the signature of the judge, magistrate, or consular officer before 15 whom the same is made; and such judge, magistrate, or consular officer shall, when the same is taken in a criminal matter, certify if the fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed 20 any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in 25 evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards such colony, or to interfere with the power of any colonial legislature to make such depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before 30 mentioned are admissible.

Punishment
of misde-
meanor.

1854, s. 518,
paras. 1 and
2.

698. Every offence by this Act made a misdemeanor shall be punishable by fine or imprisonment, with or without hard labour, or both, and every such offence shall also be deemed to be an offence punishable on summary conviction under this Act, and every person 35 shall be liable on summary conviction for every such offence to be punished by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds; and in Scotland the term misdemeanor shall be construed to mean a crime and offence.

Allowances
on prosecu-

699. The court before which any offence by this Act made a misdemeanor is tried as a misdemeanor may in England make 40

the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the Act of the seventh year of the reign of King George the Fourth, (chapter sixty-four,) "for improving the administration of criminal justice in England," or any other Act to be passed for the like purpose, and may in any other part of the British dominions make such allowances and order payment of such costs or expenses, if any, as are allowable or payable on the trial of a misdemeanor under any Act or ordinance having for the time being the force of law therein.

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tions for mis-
demeanor.
1854, s. 518,
para. 1.

- 10 **700.** Every offence by this Act made punishable by imprison-
ment for any period not exceeding six months, with or without
hard labour, or by any penalty not exceeding one hundred pounds,
shall in England be prosecuted summarily before any two or more
justices, as to England in the manner directed by the Act of the
15 eleventh and twelfth years of the reign of Her present Majesty,
chapter forty-three and the Acts amending the same; in Ireland in
the manner directed by the Act of the fourteenth and fifteenth
years of the reign of Her present Majesty, chapter ninety-three
and the Acts amending the same, or in Dublin by the Acts relating
20 to the police of Dublin metropolis; in Scotland in manner directed
by "The Summary Procedure Act, 1864."

Summary
procedure.
1854, s. 518.

701. With respect to appeals in cases of summary convictions in England under this Act the following provisions shall have effect:

Appeal on
summary
conviction
in England.
1854, s. 518,
para. 4.

- 25 1. Where the sum adjudged to be paid exceeds five pounds, or
the period of imprisonment adjudged exceeds one month,
any person who thinks himself aggrieved by the conviction
may appeal to the next court of general or quarter sessions
holden not less than twelve days after the date of such
30 conviction for the county, city, borough, liberty, riding,
division, or place wherein the case has been tried:
2. Such person shall give to the complainant a notice in writing
of such appeal, and of the cause and matter thereof, within
three days after such conviction, and seven clear days at
35 least before the sessions:
3. Such person shall either remain in custody until the session,
or enter into a recognizance with two sufficient sureties
before a justice of the peace conditioned personally to appear
at the sessions and to try such appeal, and to abide the
40 judgment of the court thereon, and to pay such costs as the
court awards:

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4. On such notice being given, and such recognizance being entered into, the justice before whom the same is entered into shall liberate such person if in custody :
5. The court of general or quarter sessions shall hear and determine the matter of the appeal, and shall make such award 5 thereon, with or without costs to either party, as to the court seems just :
6. In case of the dismissal of the appeal or affirmance of the conviction the court shall order and adjudge the offender to be punished according to the conviction, and to pay such 10 costs as the court thinks fit to award, and shall, if necessary, issue a process for enforcing the judgment.

Jurisdiction
of justices,
quarter ses-
sions, &c.

702. Where, in any part of this Act, jurisdiction is given or reference made to two justices or to quarter sessions, or any court or magistrate, such jurisdiction and reference shall be deemed 15 to have been given or made to two justices or the quarter sessions, or the court or magistrate who have jurisdiction in the place where such jurisdiction is to be exercised, or to which the thing to be done by them relates.

Trial of
offences in
colonies.
1854, s. 518,
para. 5.

703. Offences under this Act shall in any British possession 20 be triable before any court, justice of the peace, or magistrate before which or whom offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as any Act or ordinance having the force of law in such possession from time to time provides. 25

Power of
one magis-
trate.
10 & 11 Vict.
c. 27. s. 94.

704. All things by this Act authorized or required to be done by two justices may and shall be done, in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices, and in Scotland by the sheriff or steward of any county, stewartry, or ward, or his sub- 30 stitute; and throughout this Act the term "two justices" shall for all purposes include any such one magistrate and any such sheriff or steward and his substitute.

Offence
where
deemed to
have been
committed.
1854, s. 520.

705. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause 35 of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction
over ships

706. In all cases where any district within which any court has jurisdiction, either under this Act or under any other Act or 40

at common law for any purpose whatever, is situate on the coast of any sea or abutting on or projecting into any tidal water, every such court, shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such tidal
5 water as aforesaid, and over all persons on board such ship or boat, or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court.

707. Whenever any injury has, in any part of the world, been
10 caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or tidal water in the United Kingdom, or within the limits of the United Kingdom it shall be lawful for the judge of any court of record in the United Kingdom, or in
15 Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or
20 other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such
25 injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

Power of
judge of
court of re-
cord or Ad-
miralty to
arrest fo-
reign ship
that has
occasioned
damage.

1854, s. 527.

In any case where it appears that before any such applica-
tion can be made the foreign ship will have departed beyond the
30 limits of the United Kingdom, it shall be lawful for any com-
missioned officer on full pay in the military or naval service
of Her Majesty, or any British officer of customs, or any British
consular officer, to detain such ship until such time as will
allow such application to be made, and the result thereof to be
35 communicated to him; and no such officer shall be liable for any
costs or damages in respect of such detention unless the same is
proved to have been made without reasonable grounds.

Power in
certain cases
to detain
ship before
application
made to
judge.

1854, s. 528.

708. In any action, suit, or other proceeding in relation to such
last-mentioned injury, the person so giving security as aforesaid
40 shall be made defendant or defender, and shall be stated to be
the owner of the ship that has occasioned such damage; and the

Who to be
defendant to
suit in such
cases.

1854, s. 529.

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production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Service of
notices, &c.

709. Notices and documents required to be served or sent for the purposes of this Act may be in writing or print, or partly in writing and partly in print, and may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice or document was properly addressed and prepaid and put into the post office.

Where any address to which notices or documents are to be sent is prescribed by any provision of this Act, such notices or documents may be served by being sent to such address.

If the person on whom any notice or document is to be served belongs to any ship, such notice or document may be served by leaving the same for him on board such ship with the person being or appearing to be in command or charge of such ship.

Sums or-
dered to be
paid leviable
by distress
on ship.
1854, s. 523.

710. In all cases where any court has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the person so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pouncing and sale of the said ship and her tackle.

Summary
recovery of
damages.
10 & 11 Vict.
c. 27. s. 75.

711. Where the amount of any damages sought to be recovered under this Act does not exceed fifty pounds, they may be recovered in England or Ireland before two justices, and in Scotland before the sheriff.

Recovery of
damages and
dues and by
distress
of ship.
10 & 11 Vict.
c. 27, s. 75.
17 & 18 Vict.
c. 104, s. 401.
25 & 26 Vict.
c. 63. s. 46.

712. In addition to the remedies hereby provided for the recovery of any dues payable under this Act or any damages recoverable summarily the collector of dues or any person authorized by the court awarding such damages may distrain and keep any ship or timber, and any tackle thereof, until the damages and costs awarded or the dues payable are paid, and, if the same are not paid within seven days after distress, may cause the property distrained, or any part thereof to be sold, and out of the proceeds of the sale may pay the amount of damages and costs or dues, and the expenses of the distress, keeping, and sale.

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713. Every penalty imposed by this Act or by any byelaw in pursuance thereof in respect of any offence committed within the metropolitan police district shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables are directed to be recovered, enforced, accounted for, paid, and applied by the Act of the session of the second and third years of Her Majesty, “for regulating the police courts in the metropolis;” and every order or conviction of a police magistrate in respect of any such penalty shall be subject to the like appeal, and upon the same terms as is provided in respect of any order or conviction of a police magistrate by that Act; and every magistrate making any order or conviction shall have the same power of binding over witnesses, and a witness shall have the same allowance of expenses as he would have had if the order, conviction, and appeal had been made in pursuance of the last-mentioned Act.

Penalties in respect of offence within metropolitan police district to be paid to receiver, and applied under 2 & 3 Vict. c. 71., 10 & 11 Vict. c. 27. s. 95.

714. Where any person commits any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and before action brought in respect thereof makes tender of sufficient amends to the person injured, the last-mentioned person shall not recover in any such action; and if no such tender is made the defendant may, by leave of the court in which any such action is pending, at any time before issue joined, pay into court such money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Tender of amends 10 & 11 Vict. c. 27. s. 91.

715. Any court, imposing any penalty under this Act for which no specific application is herein provided may, if the court think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty’s exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, and all penalties recovered in any British possession shall be paid over into the public treasury of such possession and form part of the public revenue thereof.

Application of penalties. 1854, s. 524.

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Solicitors,
clerks, and
officers of
customs
may conduct
cases.

16 & 17 Vict.
c. 107. s. 323.

Limitation
of time in
summary
proceedings.
1854, s. 525.

716. Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, may, in any legal or other proceeding instituted in pursuance of this Act by order of the Commissioners of Customs or the Board of Trade, act as counsel, 5 solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such proceeding in any court, jurisdiction, or place in which such proceeding may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer or officers of customs under the order and directions of the Com- 10 missioners of Customs, may prosecute, defend, or conduct before any magistrate or magistrates, justices or justice of the peace, any such proceeding as aforesaid which is to be heard or determined by them.

717. The time for instituting summary proceedings under this 15 Act shall be limited as follows ; (that is to say,)

- (1.) No conviction for any offence shall be made under this Act, in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within twelve months after the commission of the offence, or if 20 both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within twelve months after they both first happen to arrive, or to be at one time within the same ; 25
- (2.) No conviction for any offence shall be made under this Act, in any proceeding instituted in any British possession, unless such proceeding is commenced within twelve months after the commission of the offence, or if both or either of the parties to the proceeding happen during such 30 time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within twelve months after they both first happen to arrive, or to be at one time within such jurisdiction ;
- (3.) No order for the payment of money shall be made under this 35 Act, in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within twelve months after the cause of complaint arises, or if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is com- 40 menced within twelve months after they both first happen to arrive, or to be at one time within the same ;

(4.) No order for the payment of money shall be made under this Act, in any summary proceeding instituted in any British possession, unless such proceeding is commenced within twelve months after the cause of complaint arises, or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within twelve months after they both first happen to arrive, or be at one time within such jurisdiction;

And no provision contained in any other Act or Acts, ordinance or ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

718. Nothing in this Act shall prevent any person from being indicted, or being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Not to prevent persons being indicted under any other Act, &c.

719. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses, or any of them.

Document proved without calling attesting witness.
1854, s. 526.

720. Whenever the Board of Trade, under this Act, do anything which they are by this Act authorized to do at the expense of any person, or harbour, or other authority, or any expenses are under this Act payable to the Board of Trade by any person, or authority, the amount of such expense shall be a debt due to the Crown from that person or authority, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty of the same amount is recoverable under this Act or otherwise from that person or authority.

Recovery by Board of Trade of expenses.
25 & 26 Vict. c. 19. s. 10.

721. In any legal proceeding under this Act to which the Board of Trade are parties, it shall be lawful for any court to make, in the case of the said Board, any order as to the payment of the costs, charges, and expenses of and incidental to such proceeding which the court could have made in the case of a private person.

Costs to be payable by Board of Trade.

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Any costs, charges, or expenses payable by the Board of Trade in pursuance of any such order, or otherwise under the provisions of this Act, shall be paid out of moneys to be provided by Parliament for the purpose.

Punishment
for embezzle-
ment in
shipping
offices.
1862, s. 16.

722. Any person appointed to any office or service by or under any local marine board, or appointed to collect any light dues receivable under this Act, shall be deemed to be a clerk or servant within the meaning of the sixty-eighth section of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

If any such person fraudulently applies or disposes of any chattel, money, or valuable security received by him whilst employed in such office or service for or on account of any local marine board or lighthouse authority, or for or on account of any other public board or department, to his own use or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any part thereof contrary to any lawful directions or instructions which he is required to obey in relation to such office or service, he shall be deemed guilty of embezzlement within the meaning of the said section.

Any such person shall, on conviction of such offence as aforesaid, be liable to the same pains and penalties as are thereby imposed upon any clerk or servant for embezzlement :

In any indictment against such person for such offence it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the board, authority, or department by which he was appointed, or of the authority, board, or department for or on account of which he may have received the same ; and no greater particularity in the description of the property shall be required in such indictment in order to sustain the same, or in proof of the offence alleged, than is required in respect of an indictment or the subject matter thereof by the seventy-first section of the said last-mentioned Act.

Application
of Act to
Scotland and
Ireland.

723. Where by this Act anything is required or authorized to be done or any jurisdiction is authorized to be exercised by quarter sessions or by the chairman of quarter sessions, such act may be done and jurisdiction exercised in Scotland by the sheriff or sheriff substitute, and in the Isle of Man by the governor.

Where by this Act any jurisdiction is to be exercised or matter done by or proceedings taken in any superior court, such jurisdiction may be exercised and act done by and proceedings taken in the following courts ; namely, in England or Ireland by and in any of

Her Majesty's superior courts of record at Westminster or Dublin, as the case may be, or the Court of Common Pleas for the county palatine of Lancaster, or the Court of Pleas for the county of Durham; in the case of Scotland, by and in the Court of Session; in
5 the case of the Isle of Man, by and in the Staff of the government of that island.

Where any jurisdiction is to be exercised or thing done by or proceedings taken in a superior court of Admiralty or a judge of the superior court of Admiralty, such jurisdiction may be exercised
10 and thing done and proceedings taken by and in the following courts :—

In England and Ireland the High Court of Admiralty of England and Ireland respectively, or the Judges of those courts: In Scotland the Court of Session, or either division thereof, or the
15 lord ordinary officiating under bills during vacation, or, so far as respects the judge the president of the Court of Session.

Where any jurisdiction is to be exercised or thing done by or proceedings taken in a local court of Admiralty, such jurisdiction may be exercised and thing done and proceedings taken by and
20 in the following courts; namely, in England a court having jurisdiction under the County Court Admiralty Jurisdiction Act, 1868; in Ireland a court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867; in Scotland the sheriff or sheriff substitute for the county.

25 **724.** Any byelaws made under the provisions of this Act may impose a reasonable penalty, not exceeding in any case ten pounds, for each breach of such byelaw, with, in case of a continuing breach, a further penalty not exceeding in any case one pound for every twelve hours during which such breach continues; but so that all
30 byelaws be so framed as to allow the court before whom a penalty is sought to be recovered to order part only of the maximum penalty to be paid; and every breach of any such byelaw shall be deemed to be an offence against this Act.

Penalty for
breach of
byelaws.

A.D. 1869.

PART XVIII.

Miscellaneous.

PART XVIII.

MISCELLANEOUS.

Powers of
Commissioners of
Customs as
to colonies
extended to
governors,
&c.

725. The powers and authorities at the commencement of this Act vested in the Commissioners of Customs with regard to any act or thing relating to trade or navigation in any British possession shall, after the commencement of this Act, be vested in the governor of such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer or at any place appointed or nominated by such governor shall be deemed to have been done by or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor; and all bonds or other securities which have been given by or for any such officers and their respective securities for good conduct or otherwise shall remain in force, and may be enforced and put in suit at the instance of or by directions of any such governor.

20

Harbour-
master at
Holyhead
may be com-
missioned as
justice.
1867, s. 12.

726. The harbour-master for the time being of the harbour of Holyhead, in the event of it seeming meet to Her Majesty to assign to him Her Majesty's commission to act as a justice of the peace within the limits within which he is empowered to act in harbour matters, shall, during the continuance of such assignment and of his tenure of the office of harbour-master, execute within such limits the duties of a justice of the peace, notwithstanding he may not be qualified by estate to be a justice of the peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a police court or other place appointed in that behalf.

25

Detainer of
ship.

727. Where under this Act any officer of customs has power to detain any ship any officer of customs may refuse to grant a clearance or transire to such ship until the cause of such detention is removed, and may call to his aid any officer of the army, navy, or marines employed in the prevention of smuggling, or any excise officer, police officer, constable, or other person having authority from the Commissioners of Customs or Inland Revenue to make seizures, and may put on board the ship any one or more of such officers or other persons to take charge of the same; and if any

40

officer or other person put on board or in charge of any ship detained as aforesaid is removed therefrom, or if such ship proceeds to sea with any such officer or other person on board, the ship shall be liable for every such offence to a penalty not exceeding one hundred
 5 pounds, and the further penalty of five pounds for every day during which such officer or other person is prevented from returning, or is unable with reasonable diligence to return, to the port or place from which he has been taken, besides the reasonable expenses incurred by such officer or other person in returning to such port
 10 or place.

The said penalty and expenses may be recovered by the Commissioners of Customs as a penalty, or as if they were dues payable to them by such ship.

728. Nothing in this Act contained shall be taken to repeal or
 15 alter any of the provisions of the "Passengers Act, 1852," or of the Act of the seventeenth year of Her present Majesty, chapter eighty-four, or any Act amending such Act, or either of them.

Act not to affect Passenger Acts. 1854, s. 545.

729. The municipal corporation of any borough, being a seaport in the United Kingdom, and any body corporate, association, or
 20 trustees in any such seaport, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of one of Her
 25 Majesty's principal Secretaries of State, appropriate any lands vested in them or in trustees for them as a site or sites for a sailors home or sailors homes, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they
 30 think fit.

Corporations, &c. may grant site for sailors homes. 1854, s. 546.

730. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the revenue of customs, and shall be paid out of
 35 the consolidated customs; but the Board of Trade may, with the consent of the Treasury, repay out of the mercantile marine fund all or any part of such of the expenses so paid as are by the provisions of this Act chargeable on the said fund.

Expenses incurred by Commissioners of Customs to be paid out of the consolidated customs. 1854, s. 548.

731. Any person who wilfully makes any false declaration for
 40 the purpose of obtaining entry into or discharge from the Royal Naval Volunteers, or for the purpose of obtaining any payment, allowance, pension, privilege, or advantage to which volunteers or

Penalty on false declarations made with respect to Naval Reserve.

PART XVIII.

*Miscellaneous.*22 & 23 Vict.
c. 40.

persons who have served as volunteers are entitled under the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter forty, intituled "An Act for the establishment of a Reserve Volunteer force of Seamen and for the government of the same," shall be liable to a penalty for each offence not exceeding twenty pounds.

*Colonies.*Regulation
of coasting
trade by
colonial
legislature.

732. After the commencement of this Act the legislature of a British possession, by any Act or ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions :

- (1.) The Act or ordinance shall be reserved for the signification of Her Majesty's pleasure, or shall contain a suspending clause providing that such Act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed. 15
- (2.) The Act or ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made. 20
- (3.) Where by treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or ordinance to the contrary notwithstanding. 25

Power of
colonial
legislatures
to alter pro-
visions of
Act.
1854, s. 547.

733. The legislature of any British possession shall have power, by any Act or ordinance, to repeal, wholly or in part, any provisions of this Act relating to ships registered in such possession : Provided that every such Act or ordinance shall either be reserved for the signification of Her Majesty's pleasure, or shall contain a suspending clause providing that such Act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in that possession. 30 35

SCHEDULES.

A.D. 1869.

PART I.

FIRST SCHEDULE.

Ships not required to be registered under this Act.

- (1.) Ships duly registered before this Act comes into operation :
- 5 (2.) Ships not exceeding fifteen tons burden employed solely on the rivers or coasts of the United Kingdom or on the rivers or coasts of some British possession within which the managing owners of such ships are resident :
- 10 (3.) Ships not exceeding thirty tons burden, and not having a whole or fixed deck, and employed solely in fishing or trading coast-wise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portion of the coasts of Canada, Nova Scotia, or New Brunswick as lie bordering on such gulf.

SECOND SCHEDULE.

15 TONNAGE REGULATIONS.

Measurement of Tonnage.

*Mesurement
of tonnage.*

1. Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships ; and in
- 20 carrying such rules into effect all measurements shall be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

2. The gross tonnage of every ship to be registered, with the exceptions mentioned in Rule II., shall previously to her being
- 25 registered be ascertained by the following rule, herein-after called Rule I. ; and the gross tonnage of every ship to which Rule I. can be applied, whether she is about to be measured or not, shall be ascertained by such rule :

RULE I.

For ships to be registered and other ships of which the hold is clear

- (1.) Measure the length of the ship in a straight line along the
- 30 upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck, and
- 35 what is due to the rake of the stern timber in the thickness

Lengths.

A.D. 1869.

PART I.

of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs :

5

TABLE.

- Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts :
- „ 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, 10 into 6 equal parts :
- „ 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts :
- „ 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts :
- „ 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts.
- (2.) Then the hold being sufficiently cleared to admit of the 20 required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows :—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a 25 line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake; then if the depth at the midship division of the length do not exceed sixteen feet, 30 divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of 35 measurement; number these breadths from about (*i. e.* numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity 40 thus obtained by one third of the common interval between

the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadths and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

A.D. 1869.

PART I.

- (3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage of the ship in the following manner:—Number the areas respectively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit at the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient shall be deemed to be the gross tonnage under the tonnage deck.
- (4.) If the ship has a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last)

In case of
two or more
decks.

A.D. 1869.

PART I.

by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply 5 by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the gross tonnage of such space.

(5.) If the ship has more than three decks, the tonnage of each 10 space between decks above the tonnage deck shall be severally ascertained in manner above described.

(6.) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or the 15 master or crew, the tonnage of such space shall be ascertained as follows:—measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the 20 length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of such space; then measure the mean height, and multiply by it the mean 25 horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the gross tonnage of such space.

(7.) In order to ascertain the gross tonnage add together—

(a.) The gross tonnage under the tonnage deck ascertained 30 in accordance with paragraph three of this rule:

(b.) The tonnage of the spaces between the tonnage deck and the spar deck (if any), or between the decks, if more than one, above the tonnage deck, ascertained in accordance with paragraphs four and five 35 of this rule:

(c.) The tonnage of the break poop, or any other permanent closed-in space on the upper deck (if any), ascertained in accordance with paragraph six of this rule:

And the total shall be deemed to be the gross tonnage of the ship, subject in the cases named in Rule V. to the addition of the tonnage of space appropriated to deck cargoes.

Poop and
any other
closed-in
space.

3. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, herein-
 5 after called rule II.:

A.D. 1869.

RULE II.

PART I.

For ships
 not requiring
 registry with
 cargo on
 board.

Length.

Breadth.

(1.) Measure the length on the upper deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of the ship taken as aforesaid; then multiply this product by the factor '0017' (seventeen ten-thousandths) in the case of ships built of wood, and '0018' (eighteen ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to the deduction of the space occupied by seamen or apprentices, and appropriated to their use.

Girting of
 the ship.

(2.) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of such space shall be ascertained by multiplying together the mean length, breadth, and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of such space, and shall, subject to the deduction for a closed-in space appropriated to the crew as mentioned in rule I., be added to the tonnage of the ship ascertained as aforesaid.

Poop and
 other closed-
 in spaces
 on upper
 deck.

35 The allowance to be made on account of the space occupied in any ship by seamen and apprentices shall be ascertained as follows; (that is to say,)

RULE III.

Allowance
 for crew
 spaces in all
 ships.

4. Measure the internal cubic capacity of all spaces occupied by seamen or apprentices, and appropriated to their use, and divide the sum of such cubic contents expressed in feet and fractions of feet by 100, and the quotient shall be deemed to be the tonnage to be deducted from the gross tonnage on account of crew spaces. Subject to the following provisoes; vizt., (1) that no deduction shall be made

A.D. 1869. for any crew space under these regulations, unless and until a surveyor appointed by the Board of Trade has certified that the regulations respecting crew spaces contained in this Act or any schedule thereto are complied with; and (2) that if the allowance for crew spaces ascertained under this rule exceeds one twentieth of the gross tonnage of the ship, the allowance for such space shall be deemed to be only one twentieth of the gross tonnage. 5

RULE IV.

Allowance
for engine
room in
masters.

5. The allowance to be made for the space occupied by engine room shall be estimated as follows; (that is to say,)

The allowance shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the machinery and boilers, and of all permanently constructed and properly enclosed coal-bunkers from which the coals can be trimmed direct into the machinery space: Provided always, that the allowance made for the propelling power shall in no case exceed one half of the gross tonnage of the ship. The measurement and use of such space shall be governed by the following rules; (that is to say,)

- (1.) Measure the mean length of the engine room, inclusive of coal bunkers, as above described; then measure three transverse areas to the height of the engine room deck or first deck above the machinery, one at each end of the length and the other at the middle point between them in the same manner as herein-before described for ascertaining the areas for the tonnage of the ship; to the sum of the two end areas add four times the middle area; multiply the whole sum by one third of the common interval between the areas, and the product will be the cubical contents of the space. Divide this product by one hundred and the quotient shall be deemed to be the tonnage of the said space. 20 25 30
- (2.) If the aforesaid deck is not the upper deck of the ship, the tonnage of the space or spaces between decks framed in for inclosing the machinery or for the admission of light and air, found by multiplying together the mean length, breadth, and depth thereof, shall be added to the tonnage of the space already computed, as shall also the tonnage of coal bunkers built as above described. 35

In case of
separate
compart-
ments.

- (3.) If in any ship the machinery boilers or such coal bunkers as aforesaid, be fitted in separate compartments, the contents of the space occupied by them in each compartment shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space: 40

PART I.

(4.) In the case of screw steamers, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing

Shaft trunk
of screw
steamer.

5

(5.) If any alteration be made in the length or capacity of such space, or if any berths or cabins be fitted in such space, such ship shall be deemed to be a ship not registered until re-measurement.

Alteration
of engine
room.

RULE V.

6. Any shipowner may state to a registrar of shipping, either on application for registry or re-registry, or at any other time that it is his intention, as regards the ship in respect of which he makes application, that cargo shall be carried on the whole of the upper deck, or on such parts of the upper deck, if any, as he may name in his application, not being the floor of a poop deck house, top gallant forecastle, or other space included in the measurement for gross tonnage under Rule I., and thereupon the space or spaces in the upper deck in respect of which application is made shall be measured, and added to the register tonnage of the ship, as follows; vizt.,—

Spaces on
deck on
which cargo
is carried.

(1.) In respect of so much of such space as is covered by a hurricane deck, or awning deck, or platform, the cubic contents in feet of the space between the deck and the hurricane deck, awning deck, or platform, shall be divided by 100, and the quotient added to the tonnage of the vessel:

(2.) In respect of so much of such space as is not covered by any hurricane deck, awning deck, or platform, such addition shall be made to the register tonnage of the ship as the Board of Trade and Commissioners of Customs may in any special case or by general rules determine.

If upon any part of an upper deck in respect of which no application has been made under this rule cargo is carried or passengers are berthed, all dues payable according to tonnage shall be doubled in respect of the voyage during which, or during any part of which, cargo is so carried or passengers are so berthed.

Provided always, that spaces covered in solely for the shelter of deck passengers, and appropriated to their use, and approved by the Board of Trade, shall be exempt from tonnage measurement, notwithstanding anything contained in this Act or any other Act to the contrary.

7. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line extended from upper edge to upper edge of the said strake at each division of the length.

RULE VI.

Open ships
how mea-
sured.

A.D. 1869.

PART I.

THIRD SCHEDULE.

Registrars of British Ships.

- (1.) At any port or place in the United Kingdom approved by the Commissioners of Customs for the registry of ships, the collector, or other principal officer of customs : 5
- (2.) In Guernsey and Jersey, the principal officer of customs :
- (3.) In Malta, Gibraltar, and Heligoland, the governor or any officer appointed by him :
- (4.) At Calcutta, Madras, and Bombay, the master attendant :
- (5.) At any other port or place in any British possession, being a place approved for the registry of ships, by the governor or other person administering the Government of such possession, the collector or other principal officer of customs, or, if there is no such officer there resident, the governor or other person administering the Government 15 of the possession in which such port or place is situate.

FOURTH SCHEDULE.

Forms to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade. 20

- Certificate of surveyor.
- Declaration of ownership by individual owner.
- Declaration of ownership on behalf of a body corporate as owner.
- Certificate of registry.
- Provisional certificate. 25
- Terminable Colonial certificate.
- Bill of sale.
- Declaration of ownership by individual transferee.
- Declaration of ownership on behalf of a body corporate as transferee. 30
- Declaration of owner taking by transmission.
- Form of mortgage.
- Transfer of mortgage to be endorsed on original mortgage.
- Declaration by mortgagee taking by transmission.
- Certificate of mortgage. 35
- Certificate of sale.
- Form of revocation.

A.D. 1869.

PART II.

FIFTH SCHEDULE.

Constitution of Local Marine Boards.

1. Each local marine board shall be constituted as follows :—

1854, s. 110.

5 1. The mayor or provost and the stipendiary magistrate or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoints shall be a member or members ex officio :

10 2. The Board of Trade shall appoint four members from among persons residing or having places of business at the port or within seven miles thereof :

3. The owners of foreign-going ships and of coasting passenger ships registered at the port shall elect six members.

15 2. The elections shall be held on the twenty-fifth day of January one thousand eight hundred and seventy-two, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

20 3. After the conclusion of such month and the constitution of a new board the functions of the then existing board shall cease, and the board consisting of the members then newly elected and appointed shall take its place.

25 4. Any occasional vacancy happening in the intervals between the general elections and appointments, by death, resignation, or otherwise, shall be filled up within one month after it happens, and every person elected or appointed on an occasional vacancy shall continue a member until the next constitution of the new board.

5. The mayor or provost shall fix the place and mode of conducting elections, and also, on occasional vacancies, the day of election ; and shall give at least ten days notice thereof.

30 6. The Board of Trade may decide any question raised concerning any election.

7. Owners of foreign-going ships and of coasting passenger ships registered at the port shall have votes at the election as follows, namely,

35 Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

[267.] L 1 4

A.D. 1869.

PART II.

8. The qualification of electors shall be ascertained as follows :

(1.) In the case of a ship registered in the name of one person that person shall be deemed the owner :

(2.) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall 5 be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him :

(3.) In the case of a ship or shares of a ship registered jointly 10 without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by such joint owners to give a qualification to each of them, be apportioned equally between or among the joint owners, and 15 each of them shall be deemed the owner of the equal share so apportioned to him ; but if it is not so sufficient the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is 20 first named on the register :

(4.) In any such apportionment any portion may be struck off so as to produce a divisible amount :

(5.) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be 25 added together, and, if sufficient, shall constitute his qualification.

9. The collector or comptroller of customs in the port shall, with the assistance of the Registrar of Seamen, on or before the twenty-fifth day of December in the year one thousand eight 30 hundred and seventy, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the Christian name, surname, and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a 35 sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep copies of such list, and permit the same to be perused by any person, without payment, at all reasonable hours during 40 such two weeks.

10. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid shall,

A.D. 1869.

PART II.

at least twenty days before the twenty-fifth day of January one thousand eight hundred and seventy-two, and in each succeeding third year, nominate two justices of the peace to revise the list (in this schedule referred to as the revisors).

5 11. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto to be hired, if necessary, by the said collector or comptroller.

10 12. The revisors shall give three clear days notice of such revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

15 13. The revisors shall make such revision by inserting in the list the name of every person who claims to have his name inserted therein, and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been
20 inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after such revision, sign their names at the foot of the list so revised.

25 16. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

30 17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

35 18. The collector or comptroller, if required, shall, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar of Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

40 19. The revisors shall certify the expenses properly incurred by the collector or comptroller in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same and

A.D. 1869. also all expenses properly incurred by the mayor or provost in
 PART II. printing the same, or in any election, and the Board of Trade may
 — disallow any items of any such expenses in their opinion improperly
 incurred.

20. Every person whose name appears on the revised list, and no 5
 other person, shall be qualified to vote at the election on the twenty-
 fifth day of January next after the revision, and at any occasional
 election held at any time between that day and the next ordinary
 triennial election.

21. Every male person who is, according to the revised list, 10
 entitled to a vote shall be qualified to be elected a member, and no
 other person shall be so qualified; and if any person elected ceases
 after election to be an owner of such quantity of tonnage as would
 entitle him to a vote he shall no longer continue to act or be
 considered a member, and thereupon another member shall be 15
 elected in his place.

SIXTH SCHEDULE.

*Classes of Ships exempt from certain Provisions of Part II.
 of this Act.*

1862. s. 13. (1.) Ships exclusively employed in fishing on the coasts of the 20
 United Kingdom :
 (2.) Ships belonging to any of the three general lighthouse
 boards :
 (3.) Pleasure yachts.

SEVENTH SCHEDULE.

25

Table of Fees to be paid by Applicants for Examination.

FOR CERTIFICATES AS MASTERS AND MATES OF FOREIGN-GOING SHIPS.

	£	s.	d.	
Master	2	0	0	
Second mate	1	0	0	30
First or only mate, if previously possess- ing an inferior certificate	0	10	0	
First or only mate, if not previously pos- sessing an inferior certificate	1	0	0	
Examination in steam	2	0	0	35

FOR CERTIFICATES AS MASTERS AND MATES OF COASTING PASSENGER SHIPS. A.D. 1869.

		£	s.	d.	PART II.
	Master	1	0	0	
	Mate	0	10	0	
5	Examination in steam	2	0	0	

FOR CERTIFICATES AS ENGINEERS.

		£	s.	d.
	First-class engineer's certificate (whether extra or ordinary)	2	0	0
10	Second-class engineer's certificate	1	0	0
	For first-class engineer's certificate, if already in possession of a second-class certificate	1	0	0

EIGHTH SCHEDULE.

15 *Régulations respecting Running Agreements.*

1. Running agreements with the crew of any ship may be made to extend over two or more voyages, so that no such agreement extend beyond a period of twelve months from the date thereof, or beyond the first arrival of the ship at her port of destination after that date, or the discharge of cargo consequent on such arrival.

2. Every person entering into such agreement, whether engaged on the first commencement thereof or otherwise, shall enter into and sign the same in manner by the foregoing Act required for foreign-going ships.

25 3. Every person engaged under such agreement, if discharged in the United Kingdom, shall be discharged in the manner by the foregoing Act required for the discharge of seamen belonging to foreign-going ships.

30 4. The duplicate agreement retained by the superintendent on the first engagement of the crew shall be transmitted to the Registrar General of Seamen immediately.

A.D. 1869.

NINTH SCHEDULE.

PART II.

Regulations with regard to the Wages of Seamen received into Her Majesty's Service.

1. Where the seaman's wages are paid in money the money shall be credited in the muster book of the ship to the account of the seaman; and where such wages are paid by bill the bill shall be noted in the ship's muster book, and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for payment, and shall credit the produce thereof to the account of the said seaman. 10

2. No officer who receives any such bill shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant General as aforesaid.

3. If any such bill be not duly paid when presented the said Accountant General or the seaman on whose behalf the same is given may sue thereon, or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable. 15

4. The wages of a seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he quits for the purpose of entering Her Majesty's service. 20

Repayment
to owner of
advance paid
and not
duly earned.
1854, s. 216.

5. Where a seaman leaves his ship for the purpose of entering the naval service of Her Majesty, and the owner or master of such ship has paid or rendered himself liable to pay an advance of wages to or on account of such seaman, if the owner or master show to the satisfaction of the Admiralty that he has paid such advance or satisfied such liability, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of Her Majesty. 25 30

If new seamen are engaged instead of the original seamen, the owner may apply for re payment of any extra expense he has been put to.
1854, s. 217.

6. Where, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the Registrar of the High Court of Admiralty in England for a certificate authorizing 35 40

the repayment of such excess ; and such application shall be in such form, and shall be accompanied by such documents and by such statements, whether on oath or otherwise, as the judge of the said court from time to time directs.

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5 7. The said registrar shall, upon receiving any such application as aforesaid, give notice thereof in writing and of the sum claimed to the Secretary to the Admiralty, and shall proceed to examine the said application, and may call upon the registrar of seamen to produce any papers in his possession relating thereto, and may call for
10 further evidence ;

Application
how to be
decided on,
and amount
of repay-
ment how to
be ascer-
tained.

1854, s. 218.

10 If the whole of the claim appears to the Registrar of the High Court of Admiralty to be just he shall give a certificate accordingly, but if he considers that such claim or any part thereof is not just he shall give notice of such his opinion in writing under his hand
15 to the person making the said application or his attorney or agent ;

15 If within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the registrar of the High Court of Admiralty a written notice demanding that the said application shall be referred to the judge of the said court,
20 then the registrar of the said Court shall finally decide thereon, and certify accordingly ;'

25 If such notice is left as aforesaid, then the application shall stand referred to the judge in his chambers, and his decision thereon shall be final, and the registrar of the said court shall certify the same accordingly ;

30 The registrar and judge of the High Court of Admiralty respectively shall in every proceeding under this Act have full power to administer oaths, and to exercise all the ordinary powers of the court, as in any other proceeding within its jurisdiction ; and the said registrar or judge (as the case may be) may, if he thinks fit,
35 allow for the costs of any proceeding under this Act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid ; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

35 8. Every certificate so given shall be sent by post or otherwise to the person making the application or to his attorney or agent, and a copy thereof shall be sent to the Accountant General of the Navy ; and the said Accountant General shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same out of the monies applicable to the naval service of Her Majesty, and granted by Parliament for the purpose, the amount mentioned in

Accountant
General to
pay sums
when ascer-
tained.

1854, s. 219.

A.D. 1869. such certificate ; and such certificate and receipt shall absolutely
 PART II. discharge the said Accountant General and Her Majesty from all
 liability in respect of the monies so paid or of the said application.

TENTH SCHEDULE.

Rules to be observed with respect to Medicines, Medical Stores, and 5.
Anti-Scorbutics.

- (1.) The Board of Trade shall from time to time issue and cause
 to be published scales of medicines and medical stores
 suitable for different ships and voyages, and shall also
 prepare or sanction a book or books containing instructions 10
 for dispensing the same.
- (2.) The owners of every ship navigating between the United
 Kingdom and any place out of the same shall provide and
 cause to be kept on board such ship a supply of medicines
 and medical stores in accordance with the scale appropriate 15
 to the said ship, and also a copy of the said book or of one
 of the said books containing instructions.
- (3.) No lime or lemon juice shall be deemed fit and proper to be
 taken on board any such ship, for the use of the crew or
 passengers thereof, unless the same has been obtained from 20
 a bonded warehouse for and to be shipped as stores ; and
 no lime or lemon juice shall be so obtained or delivered
 from any warehouse as aforesaid, unless the same is shown,
 by a certificate under the hand of an inspector appointed
 by the Board of Trade, to be good, palatable, and other- 25
 wise proper for use on board ship, such certificate to be
 given upon inspection of a sample, after deposit of the
 said lime or lemon juice in the warehouse ; nor unless
 the same contains fifteen per centum of proper and
 palatable proof spirits, to be approved by such inspector 30
 or by the proper officer of customs, and to be added
 before or immediately after the inspection thereof ; nor
 unless the same is packed in such bottles, at such time
 and in such manner, and is labelled in such manner as the
 Commissioners of Customs may direct ; provided that when 35
 any such lime or lemon juice is deposited in any bonded
 warehouse, and has been approved as aforesaid by the said
 inspector, the said spirits, or so much of the said spirits as

is necessary to make up fifteen per centum, may be added in such warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(4.) The master or owner of every foreign-going ship shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse, duly labelled as aforesaid, such labels to remain intact until twenty-four hours at least after such ship shall have left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality and composed of such materials, and packed and kept in such manner, as Her Majesty by Order in Council may from time to time direct.

(5.) The master of every such ship as last aforesaid shall serve or cause to be served out the lime or lemon juice, with sugar (such sugar to be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid, to the crew so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions, the lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out. The other anti-scorbutics, if any, shall be served out at such times and in such quantities as Her Majesty by Order in Council may from time to time direct.

(6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log book in the manner provided by this Act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any.

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ELEVENTH SCHEDULE.

1867, s. 9.

*Rules to be observed with respect to Accommodation on board
British Ships.*

- (1.) Every place in any ship occupied by seamen or apprentices,
and appropriated to their use, shall have for every such 5
seaman or apprentice a space of not less than seventy-two
cubic feet, and of not less than twelve superficial feet,
measured on the deck or floor of such place.
- (2.) Every such place shall be such as to make the space aforesaid
available for the proper accommodation of the men who 10
are to occupy it, shall be securely constructed, properly
lighted, drained, and ventilated, properly protected from
weather and sea, and as far as practicable properly shut off
and protected from effluvium which may be caused by
cargo or bilge water. 15
- (3.) No such place as aforesaid shall be deemed to be such as to
authorize a deduction from gross tonnage, under the provi-
sions in part I. of this Act contained, unless there be in the
ship one or more properly constructed privy or privies
for the use of the crew ; such privy or privies to be of such 20
number and of such construction as may be approved by
the surveyor herein-after mentioned.
- (4.) Every such place shall, whenever the ship is registered or
re-registered in the United Kingdom, and also whenever
the owner of the ship requires it, and tenders the fees 25
and expenses payable in that behalf, be inspected by
one of the surveyors appointed by the Board of Trade
under this Act, who shall, if satisfied that the same is in
all respects such as is required by this Act, give to the
collector of customs a certificate to that effect, and there- 30
upon such space shall be deducted from the register
tonnage.
- (5.) Whenever the owner of a ship requires any such place as
aforesaid to be measured he shall pay such fees, not ex-
ceeding one pound for each time such place is measured, 35
and also such travelling expenses of and allowances to
the surveyor, as the Board of Trade may, by any regula-
tion made in that behalf, from time to time require.

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PART II.

- 5 (6.) No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."
- (7.) Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage.
- 10 (8.) Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the collector of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the Act in respect of such place are fully complied with.
- 15 20 (9.) If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this schedule forfeit and pay to each seaman or apprentice lodged in such place the sum of one shilling a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein.
- 25 30

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TWELFTH SCHEDULE.

PART III.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Preliminary.

1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

Lights.

2. The lights mentioned in the following articles, numbered 3, 4, 5, 6, 7, 8, and 9, and no others, shall be carried in all weathers, from sunset to sunrise. 10

Lights for steam ships.

3. Seagoing steam ships when under weigh shall carry :

(a.) *At the foremast head*, a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles : 15

(b.) *On the starboard side*, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles : 25

(c.) *On the port side*, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles : 30

(d.) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Lights for steam tugs.

4. Steam ships, when towing other ships, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam ships are required to carry. 35

5. Sailing ships under weigh, or being towed, shall carry the same lights as steam ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

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PART III.

Lights for sailing ships.

Exceptional lights for small sailing vessels.

6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with suitable screens.

7. Ships, whether steam ships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

Lights for ships at anchor.

8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Lights for pilot vessels.

9. Open fishing boats and other open boats shall not be required to carry the side lights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Lights for fishing vessels and boats.

Fishing vessels and open boats, when at anchor, or attached to their nets and stationary, shall conform to the provisions concerning lights contained in the Sea Fisheries Act, 1868, and in cases not provided for by that Act shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

Rules concerning fog signals.

10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz. :—

Fog signals.

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N n 2

- A.D. 1869. (a.) Steam ships under weigh shall use a steam whistle placed
 PART III. before the funnel, not less than eight feet from the deck :
 — (b.) Sailing ships under weigh shall use a fog horn :
 (c.) Steam ships and sailing ships when not under weigh shall
 use a bell.

5

Sailing Rules.

Two sailing
ships meet-
ing.

11. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Two sailing
ships cross-
ing.

12. When two sailing ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Two ships
under steam
meeting.

13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the ends of both shall be put to port, so that each may pass on the port side of the other.

Two ships
under steam
crossing.

14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Sailing ship
and ship
under steam.

15. If two ships, one of which is a sailing ship and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Ships under
steam to
slacken
speed.

16. Every steam ship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed.

Vessels over-
taking other
vessels.

17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Construction
of articles
12, 14, 15,
and 17.

18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article.

Proviso to
save special
cases.

19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

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PART III.
No ship, under any circumstances, to neglect proper precautions.

Application of Articles 11 and 13.

The articles in these regulations, numbered 11 and 13 respectively only apply to cases where ships are meeting end on or nearly end on in such a manner as to involve risk of collision. They consequently do not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases in which the said two articles apply are when each of the two ships is end on or nearly end on to the other; in other words, to cases in which by day each ship sees the masts of the other in a line or nearly in a line with her own; and by night to cases in which each ship is in such a position as to see both the side lights of the other.

The said two articles do not apply by day to cases in which a ship sees another ahead crossing her own course; or by night to cases where the red light of one ship is opposed to the red light of the other; or where the green light of one ship is opposed to the green light of the other; or where a red light without a green light, or a green light without a red light, is seen ahead; or where both green and red lights are seen anywhere but ahead.

THIRTEENTH SCHEDULE.

Table of fees to be paid on application for survey.

	£	s.	d.
For passenger steam ships not exceeding 25 tons register	3	0	0
30 Exceeding 25 tons register and not exceeding 100 tons -	5	0	0
Exceeding 100 tons register and not exceeding 300 tons -	6	0	0
Exceeding 300 tons register and not exceeding 600 tons -	8	0	0
Exceeding 600 tons register and not exceeding 1,000 tons -	10	0	0
35 For every 100 tons register above 1,000 tons -	0	10	0

An addition not exceeding 25 per cent. may be made where the surveyor is called upon to attend out of office hours, such hours to be determined by the Board of Trade.

A.D. 1869. FOURTEENTH SCHEDULE.

PART VI.

WRECK.

Maximum fees to be charged by receivers in addition to expenses properly and necessarily incurred.

- | | |
|---|--------------------------|
| 1. For every inquiry instituted by a receiver with respect to any ship or boat which may be or may have been in distress, or which may be or may have been stranded, lost, abandoned, or damaged, or in cases in which loss of life has ensued, whatever may be the number of persons examined, a fee not exceeding | £ s. d. 5
10
2 0 0 |
| <i>To be charged on the ship or cargo in respect of which the examination is instituted.</i> | |
| 2. For copy of evidence required to be sent by the receiver to the secretary of the committee for managing the affairs of Lloyd's in London, or supplied to any person, a sum not exceeding | 15
0 2 6 |
| <i>To be paid by Lloyd's or by the person to whom it is supplied.</i> | |
| 3. For every salvage dispute heard and determined by the receiver, in which the claim does not exceed 20l., or the property saved does not exceed 50l., a sum not exceeding | 20
1 0 0 |
| <i>To be charged on the property saved.</i> | |
| 4. For all other cases in which salvage disputes are heard and determined by the receivers, such sum as the Board of Trade may determine, not exceeding in the whole in any one case the sum of | 25
5 0 0 |
| <i>To be charged on the property saved.</i> | |
| 5. For wreck received or taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof. | |
| But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds. | 35 |
| <i>To be charged on the wreck or derelict.</i> | |

		£	s.	d.	A.D. 1869.
	6. For every report of wreck sent by the receiver to the secretary of the Committee for managing the affairs of Lloyd's, the sum of	0	0	6	PART VI.
	<i>To be paid by such Secretary.</i>				
5	7. For every report of wreck sent to a lord of a manor or other person entitled to receive it, a sum not exceeding	0	0	6	
	<i>To be paid by the lord of the manor or other person.</i>				
10	8. For every sale of wreck conducted by a receiver, a sum not exceeding one pound per cent. on the value thereof.				
	<i>To be charged on the proceeds of sale.</i>				
15	9. For the appointment of a valuer, and for copies of certificates of valuation, when the value of the property is under 600 <i>l.</i> , a sum not exceeding	2	0	0	
	In other cases	5	0	0	
	<i>To be charged on the property valued.</i>				
20	10. In cases where any services are rendered by a receiver in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say;				
25	If such ship or boat, with her cargo, equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent, day during which the receiver is employed on such service; but if such ship or boat, with her				
30	cargo, is less in value than six hundred pounds, one moiety of the above-mentioned sum.				
	But so that in no case shall the whole amount exceed thirty pounds.				
35	<i>To be charged on such ship, boat, or articles.</i>				

A.D. 1869.

STATEMENTS FOR SALVAGE PURPOSES.

PART VI.

Statements to be made by the salvor and by the master or other person in charge of the property saved, respectively,

- (1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed : 5
- (2.) The nature and duration of the services rendered :

And by the salvor,

- (3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same : 10
- (4.) Any other circumstances which he thinks relevant to the said claim : 15

And by the said master or other person in charge of the said ship, cargo, or property,

- (3.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate ; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers : 25
- (4.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage on which she then is :
- (5.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered : 30
- (6.) The name and place of business or residence of the owner of such cargo and of the consignee thereof :
- (7.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or, if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest : 35

(8.) The amounts which the master thinks should be paid as salvage for the services rendered : A.D. 1869.

PART VI.

(9.) An accurate list of the property saved in cases where the ship is not saved :

5 (10.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid :

(11.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered :

10 (12.) Any other circumstances he thinks relevant to the matters in question.

PART VII.

FIFTEENTH

TABLE of the RATES of PILOTAGE DUES to be demanded and received by Pilots licensed by the

FROM	TO	7 feet and under.	8 feet.	9 feet.	10 feet.	11 feet.	5
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
The Isle of Wight, and vice versa	The Downs	3 10 0	4 0 0	4 10 0	5 0 0	5 10 0	10
Off Dungeness to off Folke- stone, the church bearing N.N.W. by compass, and vice versa	Ditto	0 18 0	0 1 0	0 1 2	0 1 4	0 1 6	0
Off Folkestone to the South Foreland—the Lights in one, and vice versa	Ditto	0 10 0	0 12 0	0 14 0	0 16 0	0 18 0	15
The Sea, the Downs, Orford- ness, or Hoseley Bay, and vice versa	The Nore or Warps	3 5 0	3 14 0	4 3 0	4 12 0	5 1 0	
	Sheerness, Stangate Creek, or Black- stakes	3 14 0	4 5 0	4 16 0	5 7 0	5 18 0	20
	Gravesend or Chatham	4 3 0	4 16 0	5 9 0	6 2 0	6 15 0	
	Long Reach or Greenhithe	4 7 0	5 1 0	5 15 0	6 9 0	7 3 0	
	Erith	4 12 0	5 6 0	6 0 0	6 14 0	7 8 0	
	Woolwich or Blackwall	4 14 0	5 9 0	6 4 0	6 19 0	7 14 0	
	Moorings, London Docks, City Canal, or St. Katharine's Docks	5 0 0	5 15 0	6 10 0	7 5 0	8 0 0	25
	Greenhithe, Long Reach, or Chatham	2 2 0	2 7 0	2 12 0	2 17 0	3 2 0	
	Erith	2 5 0	2 11 0	2 17 0	3 3 0	3 9 0	
	Woolwich or Blackwall	2 10 0	2 16 0	3 2 0	3 8 0	3 14 0	
	Moorings, London Docks, City Canal, or St. Katharine's Docks	2 18 0	3 5 0	3 12 0	3 19 0	4 6 0	30
	Sheerness, Stangate Creek, or Black- stakes	0 17 0	0 1 0	0 1 3	0 1 6	0 1 9	
	Gravesend	1 15 0	2 0 0	2 5 0	2 10 0	2 15 0	
	Greenhithe or Long Reach	0 9 0	0 13 0	0 17 0	0 1 1	0 1 5	
	Erith	0 15 0	0 1 0	0 1 5	0 1 10	0 1 15	
	Woolwich or Blackwall	1 0 0	0 1 6	0 1 12	0 1 16	0 2 4	35
Gravesend Reach, and vice versa	Moorings, London Docks, City Canal, or St. Katharine's Docks	1 4 0	0 1 11	0 1 18	0 2 5	0 2 12	
	Sheerness, Stangate Creek, or Black- stakes	2 10 0	2 15 0	3 0 0	3 4 0	3 10 0	40
	Chatham	2 18 0	3 3 0	3 8 0	3 13 0	3 18 0	
	Woolwich or Blackwall	0 15 0	0 0 18	0 1 1	0 1 4	0 1 9	
Erith Reach and vice versa	Moorings, London Docks, City Canal, or St. Katharine's Docks	1 1 0	0 1 4	0 1 7	0 1 10	0 1 15	
	Woolwich or Blackwall	0 17 0	0 1 0	0 1 3	0 1 6	0 1 12	45
	Moorings, London Docks, City Canal, or St. Katharine's Docks	1 3 0	0 1 6	0 1 9	0 1 14	0 2 2	
Greenhithe, or Long Reach, and vice versa	Sheerness, Stangate Creek, or Black- stakes	2 18 0	3 1 0	3 4 0	3 7 0	3 14 0	
	Chatham	3 6 0	3 9 0	3 12 0	3 15 0	4 3 0	50
	Moorings, London Docks, City Canal, or St. Katharine's Docks	0 17 0	0 1 0	0 1 3	0 1 6	0 1 9	
Woolwich or Blackwall, and vice versa	Sheerness, Stangate Creek, or Black- stakes	3 6 0	3 10 0	3 14 0	3 18 0	4 2 0	
	Chatham	3 14 0	3 17 0	4 0 0	4 3 0	4 11 0	55
Chatham	Sheerness, Stangate Creek, or Black- stakes	1 15 0	0 1 18	0 2 1	0 2 4	0 2 11	0

From Sea in or out of Ramsgate, Margate, Dover, or Sandwich Harbours, 5s. per foot of the vessel's draft of water.

For vessels exceeding 23 feet an increase in the rates for each foot or part of a foot, in the same proportion 60
 The several rates and prices specified above are subject to a reduction of one fourth part, in respect of vessels
 or towed by a steam vessel for a part only of the distance for which any such rate or price may be payable, the
 distance so propelled or towed.

SCHEDULE.

Corporation of Trinity House of Deptford Strond, for piloting Ships within the London District.

	12 feet.	13 feet.	14 feet.	15 feet.	16 feet.	17 feet.	18 feet.	19 feet.	20 feet.	21 feet.	22 feet.	23 feet.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
5	6 0 0	6 10 0	7 2 0	7 14 0	8 9 0	9 4 0	10 4 0	11 4 0	12 14 0	14 4 0	16 4 0	18 4 0
	1 8 0	1 10 0	1 13 0	1 16 0	2 0 0	2 4 0	2 9 0	2 14 0	3 0 0	3 6 0	3 16 0	4 6 0
	1 0 0	1 2 0	1 5 0	1 8 0	1 12 0	1 16 0	2 1 0	2 6 0	2 12 0	2 18 0	3 6 0	3 14 0
	5 10 0	5 19 0	6 9 0	6 19 0	7 15 0	8 11 0	9 11 0	10 11 0	11 16 0	13 1 0	14 16 0	16 11 0
10	6 9 0	7 0 0	7 13 0	8 6 0	9 4 0	10 2 0	11 7 0	12 12 0	14 4 0	15 16 0	17 16 0	19 16 0
	7 8 0	8 1 0	8 16 0	9 11 0	10 11 0	11 11 0	13 1 0	14 11 0	16 11 0	18 11 0	20 16 0	23 1 0
	7 17 0	8 11 0	9 6 0	10 1 0	10 19 0	11 17 0	13 12 0	15 7 0	17 12 0	19 7 0	22 7 0	24 17 0
	8 2 0	8 16 0	9 12 0	10 8 0	11 8 0	12 8 0	14 8 0	16 8 0	18 13 0	20 18 0	23 13 0	26 8 0
	8 9 0	9 4 0	10 0 0	10 16 0	11 16 0	12 16 0	14 16 0	16 16 0	19 6 0	21 16 0	24 11 0	27 6 0
15	8 15 0	9 10 0	10 7 0	11 4 0	12 4 0	13 4 0	15 9 0	17 14 0	20 4 0	22 14 0	25 14 0	28 14 0
	3 7 0	3 12 0	3 18 0	4 4 0	4 12 0	5 0 0	5 10 0	6 0 0	6 15 0	7 10 0	8 8 0	9 16 0
	3 15 0	4 1 0	4 8 0	4 15 0	5 6 0	5 17 0	6 12 0	7 7 0	8 5 0	9 3 0	10 8 0	11 13 0
	4 0 0	4 6 0	4 16 0	5 6 0	5 18 0	6 10 0	7 5 0	8 0 0	9 0 0	10 0 0	11 10 0	13 0 0
	4 13 0	5 0 0	5 10 0	6 0 0	6 12 0	7 4 0	8 4 0	9 4 0	10 9 0	11 14 0	13 4 0	14 14 0
20	1 12 0	1 15 0	1 18 0	2 2 0	2 6 0	2 10 0	2 14 0	2 18 0	3 2 0	3 6 0	3 10 0	3 14 0
	3 0 0	3 5 0	3 11 0	3 17 0	4 5 0	4 13 0	5 5 0	5 17 0	6 13 0	7 9 0	8 9 0	9 9 0
	1 9 0	1 13 0	1 18 0	2 3 0	2 9 0	2 15 0	3 2 0	3 6 0	3 11 0	4 6 0	4 18 0	5 10 0
	2 0 0	2 5 0	2 11 0	2 17 0	3 4 0	3 11 0	4 1 0	4 11 0	5 5 0	5 19 0	6 17 0	7 15 0
	2 10 0	2 16 0	3 4 0	3 11 0	3 19 0	4 7 0	4 19 0	5 11 0	6 11 0	7 11 0	8 16 0	10 1 0
	2 19 0	3 6 0	3 14 0	4 2 0	4 11 0	5 0 0	5 15 0	6 10 0	7 15 0	9 0 0	10 10 0	12 0 0
25	3 15 0	4 0 0	4 7 0	4 14 0	5 4 0	5 14 0	6 6 0	6 18 0	7 13 0	8 8 0	9 6 0	10 4 0
	4 3 0	4 8 0	4 15 0	5 2 0	5 12 0	6 2 0	6 17 0	7 12 0	8 5 0	9 8 0	10 8 0	11 8 0
	1 14 0	1 19 0	2 5 0	2 11 0	2 18 0	3 5 0	3 13 0	4 1 0	4 11 0	5 1 0	5 13 0	6 5 0
	2 0 0	2 5 0	2 11 0	2 17 0	3 4 0	3 11 0	3 19 0	4 7 0	4 17 0	5 7 0	5 19 0	6 11 0
	1 18 0	2 4 0	2 12 0	3 0 0	3 9 0	3 18 0	4 8 0	4 18 0	5 16 0	6 14 0	7 14 0	8 14 0
30	2 10 0	2 18 0	3 6 0	3 14 0	4 3 0	4 12 0	5 4 0	5 16 0	6 11 0	7 6 0	8 11 0	9 16 0
	4 1 0	4 8 0	4 15 0	5 2 0	5 10 0	5 18 0	6 8 0	6 18 0	7 13 0	8 8 0	9 6 0	10 4 0
	4 11 0	4 19 0	5 7 0	5 13 0	6 3 0	6 13 0	7 8 0	8 3 0	8 14 0	9 4 0	10 19 0	11 19 0
	1 12 0	1 15 0	1 18 0	2 2 0	2 6 0	2 10 0	2 14 0	2 18 0	3 2 0	3 6 0	3 10 0	3 14 0
35	4 10 0	4 18 0	5 8 0	5 18 0	6 10 0	7 2 0	7 14 0	8 5 0	8 14 0	10 10 0	11 15 0	13 0 0
	4 19 0	5 7 0	5 17 0	6 7 0	6 19 0	7 11 0	8 5 0	8 14 0	9 4 0	11 0 0	12 5 0	13 10 0
	2 18 0	3 5 0	3 12 0	3 19 0	4 6 0	4 13 0	5 0 0	5 7 0	5 14 0	6 1 0	6 11 0	7 1 0

as between 22 and 23 feet.

propelled by steam and vessels towed by steam-vessels; provided that if any such vessel shall be propelled by steam reduction of one fourth shall be made on such part only of the said rate or price as shall be proportionate to the

A.D. 1869.

For putting a PILOT on board a VESSEL either from the Cutters or from the Shore.

PART VII.

60 tons and under 150.	150 tons and under 250.	250 tons and under 400.	400 tons and under 600.	600 tons and under 1000.	1000 tons and upwards.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1 0 0	1 5 0	1 10 0	2 0 0	2 10 0	3 3 0	5

Vessels not exceeding 70 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months, viz.: from Lady-day to Michaelmas-day inclusive, the following rates only, viz:—

	£	s.	d.	
From Sea to London or vice versâ	-	4	14	6
„ Gravesend to London or vice versâ	-	1	5	0

Vessels exceeding 70 tons and not exceeding 100 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months viz., from Lady-day to Michaelmas-day inclusive, the following rates for the outward voyage, viz:—

	£	s.	d.	
From London to Gravesend	-	1	5	0
„ do. to the Nore	-	2	18	0
„ do. to the Sea	-	5	5	0

A pilot taking charge of a foreign vessel, on board of which there may not, be any individual qualified to interpret his orders, shall be authorized to employ a person to assist him as leadsman or interpreter; provided it be distinctly understood that the necessity for the employment of such person shall be proved to the satisfaction of the Corporation of Trinity House, in which case only the following rates shall be chargeable in addition to the regular, viz:—

	£	s.	d.	
For the whole run from Sea to Gravesend	-	2	10	0
„ ditto from Gravesend to Sea	-	1	0	0

The additional rate, for intermediate portions of a foot, in the draft to be regulated as follows, viz:—

For three inches and under	-	-	-	No addition.
For more than three inches and under nine inches	-	-	-	The medium between the two rates.

For nine inches and upward - The rate for the next foot

For removing a ship or vessel from moorings into a dry or wet dock, or from one part of the river situated above Blackwall to another part of the river so situated:—

	£	s.	d.	
For a ship under 300 tons	-	0	15	0
Ditto of 300 to 600 tons	-	1	1	0
Ditto of 600 to 1000 tons	-	1	11	6
Ditto above 1000 tons	-	2	2	0

In the Thames above Gravesend,

A.D. 1869.

PART VII.

			£	s.	d.
	For a boat of a class carrying an anchor of above 4 cwt				
	with a corresponding tow line	- - -	2	2	0
5	Do.	Do.	2 cwt.	1	1 0
	Do.	Do.	under 2 cwt.	0	15 0

Per trip for the whole distance from Gravesend to London, and in proportion for any part of that distance. And for each man's service in those boats 8s. per tide.

10

SIXTEENTH SCHEDULE.

Regulations respecting the Construction of New Lighthouses, &c., by Commissioners in Scotland and Ireland. PART VIII.

1. In these regulations the term the "commissioners" means with respect to Scotland the Commissioners of Northern Lighthouses, and with respect to Ireland the Commissioners of Irish Lights.
2. These regulations apply to all cases in which the commissioners erect a new lighthouse or undertake any work in pursuance of the power given by part eight of this Act authorizing the general lighthouse authorities to construct new lighthouses.
3. Before undertaking any such work the commissioners shall forward to the Trinity House a notice specifying fully the nature of the proposed work, and their reasons for undertaking it.
4. The Trinity House shall take the proposed scheme into their consideration, and notify to the commissioners their approval thereof, with or without modifications, or their rejection thereof.
5. The Trinity House shall forward to the Board of Trade a copy of their notification, accompanied by copies of all communications that have passed between the Trinity House and the commissioners.
6. The commissioners may forward to the Trinity House and the Board of Trade, or either of them, any objections or observations on or suggestions in respect of such notification.
7. The Board of Trade may give such directions as they think fit in relation to the matters submitted to them.
8. The Trinity House shall communicate to the commissioners the directions of the Board of Trade.
9. The commissioners shall on the receipt of such directions be bound to act in conformity therewith, and to do or forbear doing anything directed to be done or forborne.

3. Forwarding to Trinity House specification of work. 1854, s. 405.
 4. Trinity House to consider proposal. 1854, s. 405.
 5. Forwarding copy of notification to Board of Trade. 1854, s. 406.
 6. Forwarding objections to the notification. 1854, s. 405.
 7. Directions by Board of Trade. 1854, s. 406.
 8. Communication of the directions to commissioners. 1854, s. 407.
 9. Commissioners to act thereon. Ibid.

A.D. 1869.

PART VIII.

SEVENTEENTH SCHEDULE.

Regulations respecting the Issue of Directions by the Trinity House to Commissioners in Scotland and Ireland.

1. In these regulations the term the "commissioners" means, with respect to Scotland the Commissioners of Northern Lighthouses, 5 and with respect to Ireland the Commissioners of Irish Lights.

2. These regulations apply to all cases in which the Trinity House are empowered by part eight of this Act to issue any directions to the commissioners respecting the continuance of existing lighthouses or the doing of other work.

3. Before issuing any such directions the Trinity House shall 10 apply to the Board of Trade stating fully the nature of the work to which such proposed directions relate, and their reasons for proposing to direct the same.

4. The Trinity House shall at the same time give notice to the commissioners of their application to the Board of Trade, by causing 15 a written notice thereof, and a copy of the proposed directions, to be delivered at the office of the commissioners in Edinburgh or Dublin.

5. Opportunity shall be afforded to the commissioners to submit to the Trinity House and to the Board of Trade any observations 20 they see fit to make with respect to such application.

EIGHTEENTH SCHEDULE.

Regulations as to Applications by Local Lighthouse Authorities for Orders in Council.

1. These regulations apply to all cases in which local lighthouse 25 authorities make an application for an Order in Council under the section of part eight of this Act which gives Her Majesty power to fix and reduce being light dues.

2. Every local lighthouse authority shall, before making application for any such Order in Council, give notice of the amount of 30 the dues proposed to be fixed by the Order, by publishing the same twice at least in one and the same local newspaper, or by advertizing in such a newspaper the times and place at which a copy of the same may be inspected.

3. Any person interested may lay before such local lighthouse 35 authority, in writing, any objections or observations with reference

thereto, and such authority shall take the same into their consideration, and make such alterations (if any) as they think fit in the dues proposed.

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PART VIII.

4. The local lighthouse authority shall, on making application for the Order in Council, forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council.

5. Every such Order in Council shall be published in the London, Dublin, or Edinburgh Gazette, according as the place to which the Order relates is situate in England, Ireland, or Scotland.

NINETEENTH SCHEDULE.

PROVISIONAL ORDERS.

PART I.

PART XVI.

Advertisement in October or November of intended application.

15 (1.) Every advertisement is to state—

1. The objects of the intended application, specifying any of the following objects, when comprised among the objects of the application :

20 (a.) Extension of time for the completion of any works already authorized :

(b.) Power for a company to amalgamate with another :

(c.) Power to sell, purchase, lease, or take on lease an undertaking :

25 (d.) Amendment or repeal of any local or special Act of Parliament, or of any former Provisional Order :

(e.) Power to levy any tolls, dues, or duties, or to alter any existing tolls, dues, or duties :

30 (f.) The conferring, varying, or extinguishing of any exemption from tolls, dues, or duties, or of any other right or privilege :

(g.) Constitution or alteration of constitution of any harbour authority.

2. A general description of the nature of the proposed new works, if any.

35 3. The names of the parishes, townlands, townships, and extra-parochial places, in which the proposed new works, if any, will be made.

4. The times and places at which the deposit under Part II. of this schedule will be made.

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PART XVI.

5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order, when deposited, and of the Provisional Order, when made, will be obtainable as herein-after provided.

5

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking or application.

(3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the city, town, or place where the proposed works will be made, or where the pier or harbour to which the intended application relates is situate; or if there be no such newspaper, then in some one and the same newspaper published in the county in which such city, town, or place, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

10

15

(4.) The advertisement is also, in every case, to be inserted once at least in the London Gazette, if the place to which the intended application relates is situate in England or Wales, in the Edinburgh Gazette if such place is situate in Scotland, or in the Dublin Gazette if such place is situate in Ireland.

20

PART II.

Deposit on or before 30th November.

(1.) The promoters are to deposit—

25

1. A copy of the advertisement published by them.

2. A proper plan and section of the proposed new works, if any; such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

30

(2.) The documents aforesaid are to be deposited for public inspection—

1. In England or Ireland, in the office of the clerk of the peace for every county, riding, or division,—in Scotland, in the office of the principal sheriff clerk for every county, district, or division,—in which any proposed new work will be made, or in which the pier or harbour to which the intended application relates, or any part thereof, is situate.

35

2. At the custom house, if any, of the port, sub-port, or creek to which the intended application relates.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

40

PART III.

A.D. 1869.

Deposit on or before 23rd December.

PART XVI.

(1.) The promoters are to deposit at the office of the Board of Trade—

- 5 1. A memorial of the promoters, signed by them or some or one of them, headed with a short title descriptive of the undertaking or application (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
- 10 2. A printed draft of the Provisional Order as proposed by the promoters, with any schedule referred to therein.
3. An estimate of the expense of the proposed new works, if any, signed by the person making the same.

(2.) They are also to deposit printed copies of the draft provisional order and schedule (if any) for public inspection at the custom house (if any) of the port, sub-port, or creek to which the application relates.

(3.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.

(4.) The memorial of the promoters (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require :—

25 THE MERCHANT SHIPPING AND HARBOURS ACT, 1864.

[Short title of undertaking.]

To the Board of Trade.

The memorial of the promoters of [*short title of undertaking*]:
Sheweth as follows;

- 30 1. Your memorialists have published, in accordance with the requirements of the above-mentioned Act, the following advertisement:

[Here advertisement to be set out verbatim.]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement [and all proper plans and sections of the proposed new works].

Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,

C.D.,

Promoters.

A.D. 1869.

PART XVI.

PART IV.

Deposit and advertisement of Provisional Order.

(1.) The promoters are to deposit printed copies of the Provisional Order for public inspection in the offices of clerks of the peace and sheriff clerks, and at the custom houses, where the 5 documents required to be deposited by them under Part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the 10 price of each.

(3.) They are also to publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

Merchant Shipping and Navigation.

A

B I L L

To consolidate and amend the Acts relating
Merchant Shipping and Navigation.

*(Prepared and brought in by
Mr. Dodson, Mr. Shaw Lefevre, and Mr. John Bright)*

*Ordered, by The House of Commons, to be Printed,
9 August 1869.*

[Bill 267.]

Under 42 oz.

797

Merchant Shipping (Colonial), 1869, Bill. [H.L.].

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Definition of terms.
3. Commencement of Act.

Coasting Trade.

4. Regulation of coasting trade by colonial legislature.
5. Repeal of 16 & 17 Vict. c. 107. ss. 328. and 163.

Merchant Shipping.

6. Registrars of British ships in British possessions.
 7. Application of 17 & 18 Vict. c. 104. s. 109. to Canada.
 8. Colonial certificates to master, mates, and engineers.
-

A

B I L L

INTITULED

An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British possessions. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as "The Merchant Shipping (Colonial) Act, 1869." Short title.

2. In this Act, unless the context otherwise requires,—

Definition of terms :

10 The term "British possession" means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man ; and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act : "British possession :"

15 The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only. "Legislature."

20 3. This Act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

Coasting Trade.

25 4. After the commencement of this Act the legislature of a British possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions : Regulation of coasting trade by colonial legislature.

[Bill 91.]

A

A.D. 1869.

- (1.) The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed. 5
- (2.) The Act or Ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made. 10
- (3.) Where by treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding. 15

Repeal of
16 & 17 Vict.
c. 107. ss.
328. and 163.

5. The following sections of The Customs Consolidation Act, 1853, are hereby repealed; namely,—

Section three hundred and twenty-eight as from the commencement of this Act: 20

Section one hundred and sixty-three as from the date in the case of each British possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire. 25

Merchant Shipping.

Registrars of
British
ships in
British
possessions.
17 & 18 Vict.
c. 104. s. 30.

6. It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made. 30

After the date specified in the order, or if no date is specified after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of the Merchant Shipping Act, 1854. 35

Application
of 17 & 18
Vict. c. 104.
s. 109. to
Canada.

7. In the construction of The Merchant Shipping Act, 1854, and of the Acts amending the same, Canada shall be deemed to be one British possession. 40

Colonial cer-
tificates to
master,

8. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to

persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the
5 United Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order
10 in Council, to declare that such certificates shall be, and such certificates shall accordingly be, of the same force and effect, and subject to be forfeited for the same reasons, and in the same manner, as if they had been granted under the said Acts.

The order shall extend to certificates granted after the date
15 specified in that behalf in the order (whether before or after the date of the order), or if no date is specified, after the date of the order.

It shall be lawful for Her Majesty in Council, on a report from the Board of Trade, to revoke any order made under this section.

A.D. 1869.

mates, and
engineers.
17 & 18 Vict.
c. 104. s. 131.
et seq.
25 & 26 Vict.
c. 63. s. 5.
et seq.

Merchant Shipping
(Colonial), 1869. [H.L.]

A

B I L L

INTITULED

An Act for amending the Law relating
to the Coasting Trade and Merchant
Shipping in British possessions.

(*Brought from the Lords 22 April 1869.*)

*Ordered, by The House of Commons, to be printed,
22 April 1869.*

[Bill 91.]

Under 1 oz.

